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Chapter 424: LEAD MANAGEMENT REGULATIONS

SUMMARY: This chapter contains procedures and requirements for the certification and licensing of persons engaged in residential lead-based paint activities, work practice standards for performing such activities, licensing of lead training providers and accreditation of lead training programs. This chapter requires that in residential dwellings and child-occupied facilities, except as specifically exempted, all lead inspections, risk assessments, lead abatement designs, lead abatement activities, and other services related to lead-based paint such as lead screening, lead determinations, and deleading be performed in residential dwellings and child-occupied facilities only by individuals and firms certified or licensed pursuant to this chapter. This chapter also sets standards and procedures for establishing the lead-safe status of residential dwellings and child-occupied facilities.

1. Definitions

A. Abatement. “Abatement” means any measure or set of measures designed to permanently eliminate lead hazards. “Abatement” includes, but is not limited to:

- (1) The removal of lead-based paint and lead-contaminated dust, the permanent enclosure or encapsulation of lead-based paint, the replacement of lead-painted surfaces or fixtures and the removal or covering of lead-contaminated soil; and
- (2) All preparation, cleanup and post-abatement clearance testing activities associated with such measures.

“Abatement” does not include renovation and remodeling as defined below. For purposes of this definition, “permanently” means for at least 20 years.

B. Abrasive blasting. “Abrasive blasting” means the procedure of removing paint from a surface by using mechanical force to apply an abrasive material, such as sand, grit, or other similar material, to the painted surface.

C. Act. “Act” means Title 38 MRSA, Chapter 12-B entitled “Act to Ensure Safe Abatement of Lead Hazards”.

D. ASTM. “ASTM” means the American Society of Testing and Materials.

E. Business Entity. “Business entity” means a partnership, firm, association, corporation, sole proprietorship or other business concern.

F. Certificate. “Certificate” means a document issued to an individual by the Commissioner affirming that the individual has successfully completed the training and other requirements set forth in this chapter to qualify as and engage in the activities of a lead professional.

G. Chewable surface. “Chewable surface” means an interior or exterior surface painted with lead-based paint that a child 6 years of age or younger can mouth or chew, such as window sills and chair rails.

H. Child-occupied facility. “Child-occupied facility” means a building or portion of a building visited regularly by the same child, less than 6 years of age, on at least 2 different days within any week, provided that each day's visit lasts at least 3 hours, the combined weekly visit lasts at least 6 hours,

and the combined annual visits last at least 60 hours. Child-occupied facilities may include, but are not limited to, day-care centers, preschools, and kindergarten classrooms.

- I. Clearance sampling.** “Clearance sampling” means sampling of dust and/or soil for the purpose of ascertaining that no lead hazards exist as a result of renovation, remodeling, interim controls, or lead abatement work.
- J. Commissioner.** “Commissioner” means the Commissioner of the Department of Environmental Protection.
- K. Component or Building Component.** “Component” or “Building Component” means specific design or structural elements or fixtures of a residential dwelling or child-occupied facility that are distinguished from each other by form, function, and location. These include, but are not limited to, interior components such as: ceilings, crown molding, walls, chair rails, doors, door trim, floors, fireplaces, radiators and other heating units, shelves, shelf supports, stair treads, stair risers, stair stringers, newel posts, railing caps, balustrades, windows and trim (including sashes, window heads, jambs, sills or stools and troughs), built in cabinets, columns, beams, bathroom fixtures, plumbing, counter tops, and air conditioners; and exterior components such as: painted roofing, chimneys, flashing, gutters and downspouts, ceilings, soffits, fascias, rake boards, cornerboards, bulkheads, doors and door trim, fences, floors, joists, lattice work, railings and railing caps, siding, handrails, stair risers and treads, stair stringers, columns, balustrades, window sills or stools and troughs, casings, sashes and wells, and air conditioners.
- L. Conditions of paint.** Means one of the three classifications as described below as applied to lead-based paint on each individual component or side of a building or room:
- (1) Good condition is one in which the paint is entirely intact.
 - (2) Fair condition is one in which paint is intact, but worn; minor chips are evident as a result of normal wear and tear; no adhesion or substrate problems, e.g., no broken wallboard is present. Individual interior components with large surface areas (walls, ceilings, floors, doors) that evidence less than or equal to 2 square feet of normal wear and tear or direct damage are considered to be in fair condition. Individual interior components with small surface areas (window sills, baseboard) that evidence less than or equal to 10 percent normal wear and tear or direct damage on the total surface area of the component are considered to be in fair condition. Exterior components with large surface areas that evidence less than or equal to 10 square feet of normal wear and tear or direct damage are considered to be in fair condition. Individual exterior components with small surface areas (soffits, trim) that evidence less than or equal to 10 percent normal wear and tear or direct damage on the total surface area of the component are considered to be in fair condition.
 - (3) Poor condition is one in which paint is severely worn, weathered or no longer adhering, i.e., peeling, cracking, flaking, chalking; or the substrate is broken, exposed or otherwise deteriorated. Individual interior components with large surface areas (walls, ceilings, floors, doors) that evidence greater than 2 square feet of normal wear and tear or direct damage are considered to be in poor condition. Individual interior components with small surface areas (window sills, baseboard) that evidence greater than 10 percent normal wear and tear or direct damage on the total surface area of the component are considered to be in poor condition. Exterior components with large surface areas that evidence greater than 10 square feet of normal wear and tear or direct damage are considered to be in poor condition. Individual exterior components with small surface areas (soffits, trim) that evidence greater than 10

percent normal wear and tear or direct damage on the total surface area of the component are considered to be in poor condition.

- M. Decontamination unit.** “Decontamination unit” means an enclosed area adjacent and connected to the work area consisting of, at a minimum, a hand/face wash station or shower room, and a clean room. This includes two overlapping layers of 6-mil polyethylene flaps between the work area and the hand/face wash station or shower room, also between the hand/face wash station or shower room and the clean room, and also at the entry into the clean room. The hand/face wash station or shower room is connected to the work area and is used for personal decontamination whenever a person exits from the work area. The clean room is the section of the decontamination unit where clean clothes are stored and changed into whenever a person exits the hand/face wash station or shower room.
- N. Department.** “Department” means the Department of Environmental Protection.
- O. Design consultant.** “Design consultant” means an individual engaged in preparing and supervising the implementation of plans for the removal or abatement of lead-based paint. These activities include but are not limited to: design, inspection and monitoring of lead abatement activities; and advising owners, contractors and project supervisors regarding lead abatement activities.
- P. Discipline.** “Discipline” means a specific area of professional expertise certifiable under the provisions of this Chapter, including, but not limited to, lead abatement worker, project supervisor, lead inspector, risk assessor, and design consultant.
- Q. Employee.** “Employee” means an individual who may be permitted, required, or directed by an employer, in consideration of direct or indirect gain or profit, to engage in any activity.
- R. Encapsulation.** “Encapsulation” means the application of any covering or coating that acts as a barrier between the lead-based paint and the environment and that relies, for its durability, on adhesion between the encapsulant and the painted surface, and on the integrity of the existing bonds between paint layers, and between the paint and the substrate.
- S. Enclosure.** “Enclosure” means the use of rigid durable construction materials mechanically fastened to the substrate, which act as a barrier between the lead-based paint and the environment.
- T. EPA.** “EPA” means the United States Environmental Protection Agency.
- U. Essential maintenance practices.** “Essential maintenance practices” means a prescribed program of routine maintenance activities, including worker training and work practice requirements, designed to prevent the creation or development of lead hazards.
- V. First-draw sample.** “First-draw sample” means a sample of tap water that has been standing undisturbed in the plumbing pipes at least 6 hours and is collected without prior flushing of the pipes.
- W. Friction surface.** “Friction Surface” means a surface that is subject to abrasion or friction including, but not limited to, window, door, floor and stair surfaces.
- X. Flushed sample.** “Flushed sample” means a sample of tap water collected after the tap has been allowed to run at its maximum flow rate for a minimum of 5 minutes before the sample is collected.

- Y. Hand/face wash station.** “Hand/face wash station” means a demarcated area adjacent to the work area that is used for personal decontamination whenever persons exit from the work area. The hand/face wash station shall be sufficiently equipped to enable workers to remove lead effectively from their hands and face.
[Note: A shower facility, where feasible, is required by OSHA 29 CFR 1926.62 effective May 4, 1993 whenever the OSHA permissible exposure level (PEL) is exceeded.]
- Z. HEPA filtration.** “HEPA filtration” means high-efficiency particulate air filtration used in respirators and vacuum systems, capable of removing all particles as measured at 0.3 microns in diameter or greater from the air with 99.97% efficiency or greater.
- AA. HEPA vacuum.** “HEPA vacuum” means a vacuum cleaner equipped with HEPA filtration.
- BB. Household hazardous waste.** “Household hazardous waste” means any hazardous waste material excluded from identification as a hazardous waste by Chapter 850, section 3.A(4)(vii) because it is generated by households, including single and multiple residences, hotels and motels, bunkhouses, picnic grounds, and day-use recreational facilities.
- CC. HUD.** “HUD” means the United States Department of Housing and Urban Development
- DD. Impact surface.** “Impact surface” means a surface that is subject to damage by repeated sudden force, such as certain parts of door frames.
- EE. Impassable greenery.** “Impassable greenery” means shrubbery or bushes that are sufficiently dense to prevent ready access to lead-contaminated soil.
- FF. Interim controls.** “Interim controls” means a set of non-abatement measures designed to temporarily reduce human exposure or likely exposure to lead hazards, including specialized cleaning, repairs, maintenance, painting, temporary containment, ongoing monitoring of potential lead hazards and the establishment and operation of management and resident education programs.
- GG. Lead abatement contractor.** “Lead abatement contractor” means a business entity that engages in or intends to engage in lead abatement activities as a business service and employs or involves one or more project supervisors.
- HH. Lead abatement worker.** “Lead abatement worker” means an individual engaging in any lead abatement activity for any employer.
- II. Lead-based paint.** “Lead-based paint” means paint or other surface coatings that contain lead equal to or in excess of 1.0 milligram per square centimeter or more than 0.5% by weight.
- JJ. Lead-based paint activities.** “Lead-based paint activities” means lead inspection, risk assessment, lead abatement design, lead abatement and services related to lead-based paint such as lead screening, lead determination, deleading, and the provision of lead training.
- KK. Lead-containing waste material or lead-containing waste.** “Lead-containing waste material or lead-containing waste” means any waste, debris, or material intended for disposal, including, but not limited to, concentrated lead wastes, lead-based paint contaminated architectural components, and disposable equipment and clothing used during abatement or renovation and remodeling activities.

- LL. Lead-contaminated dust.** “Lead-contaminated dust” means surface dust that contains a mass per area concentration of lead equal to or exceeding 40ug/ft² on floors and carpets or 250 ug/ft² on interior window sills based on wipe samples.
- MM. Lead-contaminated soil.** “Lead-contaminated soil” means soil that contains an amount of lead that is equal to or exceeding 375 ppm in bare soil in play areas, or is equal to or exceeding 1000 ppm from bare soil in building perimeters areas in other than play areas.
- NN. Lead-contaminated water.** “Lead-contaminated water” means water containing measurable amounts of lead. Lead-contaminated water containing greater than 15 ppb lead is a lead hazard.
- OO. Lead determination.** “Lead determination” means an assessment of a residential dwelling or child-occupied facility, or a limited portion of these, for the purpose of identifying the presence of lead-based paint and/or lead hazards.
- PP. Lead hazard.** “Lead hazard” means any condition that may cause exposure to lead from lead-contaminated dust, lead-contaminated soil, lead-contaminated water or lead-based paint that is in poor condition. Lead hazards include, but are not limited to: drinking water containing greater than 15 ppb lead; bare soil in play areas containing greater than 375 ppm lead; bare soil in building perimeter areas other than play areas containing greater than 1000 ppm lead; lead-based paint in poor condition; and lead-contaminated dust exceeding clearance standards in section 6.F(3). Lead inspectors and risk assessors may identify lead-based paint in fair condition on chewable, friction, and impact surfaces as lead hazards provided there are children’s teeth marks on the chewable surface, or the friction or impact surface evidences abrasion or impact and the lead dust level on the nearest horizontal surface is equal to or greater than the dust lead hazard identified in Section 7(B)(1)-(b)(iii).
- QQ. Lead inspection.** “Lead inspection” means a surface-by-surface assessment to determine the presence and condition of lead-based paint and the provision of a written report.
- RR. Lead inspector.** “Lead inspector” means an individual who conducts lead inspections, lead determinations, clearance examinations and lead-safe evaluations.
- SS. Lead poisoned.** “Lead poisoned” means having a confirmed elevated level of blood lead that is injurious, as defined in rules adopted by the Maine Department of Human Services.
- TT. Lead professional.** “Lead professional” means an individual who performs lead-based paint activities for remuneration, including, but not limited to, a lead abatement worker, a project supervisor, a lead inspector, a risk assessor or a design consultant.
- UU. Lead-safe.** “Lead-safe” means a residential dwelling or child-occupied facility that contains no lead hazards. A lead-safe condition may persist provided no additional lead-based substances are introduced into the residential dwelling or child-occupied facility or the condition of the existing lead-based substances does not deteriorate.
- VV. Lead-Smart Renovator.** “Lead-Smart Renovator” means a contractor or individual who has successfully completed an accredited “Lead-Smart Renovator” course offered by a Maine-licensed lead training provider.
- WW. Lead training provider.** “Lead training provider” means a business entity that offers accredited lead training courses in the State of Maine.

- XX. License.** “License” means a document issued by the commissioner to a business entity or public entity, including but not limited to, a lead abatement contractor or a lead training provider, affirming that the business entity has met the requirements set forth in this chapter to engage in lead-based paint activities.
- YY. NIOSH.** “NIOSH” means the National Institute for Occupational Safety and Health.
- ZZ. NLLAP.** “NLLAP” means the National Lead Laboratory Accreditation Program.
- AAA. Occupant.** “Occupant” means a person who resides in a residential dwelling, or resides in or uses a child-occupied facility.
- BBB. Operator.** “Operator” means a person who operates, controls, or supervises a lead abatement activity within a building, structure, or facility.
- CCC. OSHA.** “OSHA” means the Occupational Safety and Health Administration of the United States Department of Labor.
- DDD. Owner.** “Owner” means a person having title to or managing a property, including buildings, structures or facilities.
- EEE. Paint.** “Paint” means any substance applied to a surface as a coating, including, but not limited to, household paints, varnishes and stains.
- FFF. Person.** “Person” means any individual, business entity, governmental body or other public or private organization.
- GGG. Project.** “Project” means the lead abatement activities that occur within a single building during a discrete and finite time period and with a lapse in abatement activity of no more than 10 working days.
- HHH. Project supervisor.** “Project supervisor” means an individual with responsibility for the supervision of lead abatement activities. “Project supervisor” includes, but is not limited to, an abatement project supervisor employed by a lead abatement contractor.
- III. Remote decontamination unit.** “Remote decontamination unit” means a decontamination unit that is not contiguous with the work area.
- JJJ. Renovation and remodeling.** “Renovation and remodeling” means the replacement or reconstruction of any part of a residence or residential dwelling in which the primary intent is to repair, restore, or remodel a given structure, which may incidentally result in the reduction of environmental lead hazards.
- KKK. Residential dwelling.** “Residential dwelling” means a dwelling unit, including common areas and appurtenant structures such as porches and stoops, which is used or occupied, or intended to be used or occupied, in whole or in part, as the home or residence of one or more persons, including children’s homes as defined in 22 MRSA section 8101.
- LLL. Risk assessment.** “Risk assessment” means an on-site assessment to determine the existence, nature, severity, and location of lead hazards, and the provision of a written report explaining the results of the assessment and the options for reducing lead hazards.

- MMM. Risk assessor.** “Risk assessor” means an individual who has been trained to conduct risk assessments as well as lead inspections, lead determinations, clearance examinations and lead-safe evaluations.
- NNN. Room Equivalent.** "Room Equivalent" means an identifiable part of a residential dwelling or child-occupied facility such as a room, a house exterior, a foyer, staircase, hallway or an exterior area (exterior areas contain items such as play areas).
- OOO. Sampling technician.** “Sampling technician” means an individual who collects samples for lead in dust, soil, and/or water under the supervision of a Maine-certified lead inspector or lead risk assessor, or performs clearance sampling for interim control or renovation and remodeling work in a single family property or in individual dwelling units with associated common areas within multi-family properties.
- PPP. State investigator.** “State investigator” means a certified lead inspector or risk assessor who is employed or authorized by the Maine Department of Human Services to conduct environmental lead investigations.
- QQQ. Substrate.** "Substrate" means the material underneath the paint such as brick, concrete, drywall, metal, plaster, or wood.
- RRR. TCLP.** “TCLP” means the “Toxicity Characteristic Leaching Procedure” as described in EPA SW-846.
- SSS. Testing Combination** "Testing Combination" means a unique combination of room equivalent, building component type, and substrate.
- TTT. Training manager.** “Training manager” means the individual responsible for administering a training program and monitoring the performance of principal instructors and guest instructors.
- UUU. Training provider.** “Training provider” means a person providing training that is necessary to fulfill certification or licensing requirements under this chapter.
- VVV. Wet cleaning.** “Wet cleaning” means a process of eliminating lead contamination from surfaces and objects, including, but not limited to, floors, walls, windows, and window wells by washing with a solution of water and a lead-specific cleaning agent or an all-purpose household cleaner, and rinsing with clear water.
- WWW. Wet vacuuming.** “Wet vacuuming” means a process of cleaning using a vacuum cleaner that entraps debris in a liquid medium.
- XXX. Work area.** “Work area” means an interior or exterior area where lead abatement activity takes place. There may be more than one work area in a residential dwelling or child-occupied facility.
- YYY. XRF.** “XRF” means an x-ray fluorescence direct read or spectrum analyzer used to determine lead concentration in paint.

2. General Provisions

- A. Applicability.** This Chapter applies to any person who engages in lead-based paint activities in residential dwellings and child-occupied facilities in Maine.
- B. Relationship to other rules.** This Chapter supercedes former Chapters 216 (Rules for Abatement of Environmental Lead Hazards), 290 (Rules for Licensure of Lead Inspectors and Lead Abatement Personnel) and 291 (Rules for Environmental Lead Inspections), promulgated pursuant to 22 MRSA section 1314-A *et seq.*
- C. Right of Entry.** Employees and agents of the Department may enter any property at reasonable hours and enter any building with the consent of the owner, occupant or agent, or pursuant to an administrative search warrant, in order to inspect the property or structure, take samples, conduct tests, or review records as appropriate to determine compliance with any lead laws and regulations administered by the Department or the terms and conditions of any order, license, permit, approval, or decision of the Commissioner or the Board.
- D. Prohibition.** No person shall engage in any lead-based paint activity at any residential dwelling or child-occupied facility unless the person is licensed or certified to do so by the Department. No person shall offer lead training courses in the State of Maine unless the lead training courses are accredited and that person is licensed by the Department to offer the lead training courses.
- E. One Year Term.** A license, certification or accreditation issued by the Department under this chapter expires either: one year after the last day of the month in which the most recently required initial or refresher training was completed; or, for applicants meeting refresher requirements by attending at least 8 hours of documented attendance at other programs that are relevant to the applicant's discipline as allowed under the provisions of section 5.E, one year from the expiration date of the previous certification. An existing license, certification or accreditation will expire unless the licensee submits a complete application for renewal to the Department prior to the expiration date of that license, certificate or accreditation. An expired license, certification or accreditation may be renewed if the application for renewal is received no later than 2 years following expiration of the previously issued license, certification or accreditation.
- F. Exemption.**
- (1) A person 18 years of age or older who owns and personally occupies a residential dwelling as his or her primary or seasonal residence is exempt from these rules when performing lead abatement activities within that residential dwelling, so long as a child residing in the residential dwelling has not been identified as lead-poisoned.
 - (2) A person 18 years of age or older who owns and personally occupies a residential dwelling as his or her primary or seasonal residence in which a resident child has been identified as lead-poisoned need not obtain licensing or certification to perform abatement activities within that residential dwelling, as long as the person completes any training required by the Maine Department of Human Services.
 - (3) Owners and occupants assessing for the presence of lead in paint in their own property or residence using home test kits or paint chip sampling are exempt from these regulations.
 - (4) Any person performing interim controls is exempt from these regulations.

- (5) Any person performing component removal in a federally-assisted residential dwelling regulated under the provisions of 24 CFR Part 35, “Requirements for Notification, Evaluation and Reduction of Lead-Based Paint Hazards in Federally Owned Residential Property and Housing Receiving Federal Assistance; Final Rule”, effective September 15, 2000, in which no resident child has been identified as lead-poisoned is exempt from this rule, provided that:
- the person performing the work has successfully completed a “Lead-Smart Renovator” or lead project supervisor course taught by a Maine-licensed Lead Training Provider;
 - all resident children under six years of age are relocated from the work area for the duration of the work and until clearance dust levels are achieved; and
 - the work is performed in conformance with all the applicable requirements of 24 CFR Part 35, “Requirements for Notification, Evaluation and Reduction of Lead-Based Paint Hazards in Federally Owned Residential Property and Housing Receiving Federal Assistance; Final Rule”, effective September 15, 2000.

G. Conflict of Interest.

- (1) Financial interest. No lead inspector or risk assessor shall have any financial interest in residential dwellings or child-occupied facilities where a lead-safe certificate is issued by that lead inspector or risk assessor.
- (2) Employment. No lead abatement contractor shall employ a sampling technician to perform clearance sampling following interim control or renovation work, or a lead inspector or risk assessor to perform a lead inspection, risk assessment, lead determination, clearance sampling or lead-safe evaluation in residential dwellings or child-occupied facilities at which the lead abatement contractor is or may be performing abatement activities unless that lead abatement contractor is part of a non-profit organization.

H. Failure to renew, suspension and revocation.

- (1) The Department may deny renewal, or seek suspension or revocation of any license, certification or accreditation issued under this chapter on the basis of any of the grounds listed in 38 MRSA 341-D(3) or for violation of any of the following standards of conduct:
- (a) Failing to comply with the notification requirements of this rule or to maintain required records and logs.
 - (b) Lending the use of the name of a licensed lead training provider, licensed lead abatement contractor, certified project supervisor, certified lead abatement worker, certified lead design consultant, certified lead inspector, or certified risk assessor to an unlicensed person.
 - (c) Reporting fictitious results or reports not based on test performance or work done, or falsifying reports or records.
 - (d) False representation of credentials as a licensed lead training provider, licensed lead abatement contractor, certified project supervisor, certified lead abatement worker, certified lead design consultant, certified lead inspector, or certified risk assessor, or misrepresenting the scope of services that can be provided under any license or certification category.
 - (e) Engaging in activities that present a conflict of interest as described in section 2.G.

Note: Violations of this rule may be subject to criminal prosecution pursuant to 38 MRSA sections 348(1), 349(1) and 349(3).

- (2) Procedure for suspension or revocation. Procedures for revocation or suspension of a license or certificate shall conform to the requirements of 38 MRSA section 341-D(3).

- I. Licensing and certification fees.** An application for a license or certification (including renewal) must be accompanied by a non-refundable fee paid in full by a cashier's, certified, or company check made payable to the Maine Environmental Protection Fund, as follows:

Lead Abatement Worker	\$ 75
Lead Abatement Project Supervisor	\$125
Sampling Technician	\$ 75
Lead Inspector	\$200
Lead Abatement Design Consultant	\$250
Risk Assessor	\$250
Lead Abatement Contractor	\$275
Lead Training Provider	\$500

or, upon Departmental approval, the equivalent value in training of Department personnel.

Multiple certifications. Any individual applying for certification for more than one discipline shall pay the fee for the highest discipline plus \$25 for each additional discipline.

- J. Transition Provisions.** Any lead professional certified by the State of Maine or lead abatement contractor or training provider licensed by the State of Maine as of the effective date of this chapter in any of the disciplines listed herein is deemed to have met the initial certification or licensing requirements of this Chapter. Renewal under this chapter shall be required upon expiration of existing license or certification.

Any lead inspector certified in Maine as of the effective date of this rule who received initial lead inspector training from a lead training provider licensed by the State of Maine or has successfully completed both the EPA-approved lead inspector course and the EPA-approved risk assessor course, and who has at least one year experience including a minimum of 20 lead inspections, may be certified as a risk assessor provided that he/she successfully passes the written exam for risk assessors administered by the Department.

- K. Reciprocity.** The Department may develop reciprocity agreements with other states and with federally recognized tribes when the states and tribes have established licensing, certification and accreditation requirements that are at least as stringent as those set forth in this chapter.

- L. Standards of Conduct.** Licensees, including persons certified as lead professionals by the Department must comply with all State and federal laws and regulations pertaining to lead-based paint activities, including the conflict of interest provisions of section 2.G. Failure to comply with this rule may result in suspension or revocation of a license, denial of an application for renewal, or other enforcement action deemed appropriate by the Department. Reasons for suspension, revocation or denial for renewal include, but are not limited to

- (a) Failure to submit documentation demonstrating its ability to comply fully with applicable requirements, procedures, and standards set forth in this rule;

- (b) Its employees' or agents' history of incompetence or negligence as determined by the Department based on (a) previous compliance inspection(s), review of operating record(s), or other documents;
- (c) Submission of false information on an application; and
- (d) Past violation(s) of State or federal laws or regulations pertaining to lead-based paint activities.

3. Notification Requirements

- A. Initial Notification Procedure.** Any person, owner or operator intending to engage in a lead abatement project at a residential dwelling or child-occupied facility must submit a written notification to the Department at least five (5) working days prior to commencement of the abatement project, including set-up or on-site preparation activities. Delivery of the notice by U.S. Postal Service, commercial delivery service, facsimile, hand delivery or other methods as approved by the Department is acceptable.

Note: Section 6.B requires the lead abatement contractor to ensure that the notification is received by the Department; it is the responsibility of the contractor to retain record of delivery to demonstrate it has met this requirement.

- B. Notification Information.** The following information must be included in full in the notification:

- (1) A clear statement of whether the notification is the original or a revised notification;
- (2) The name, address, and telephone number of the following:
 - (a) The owner; and
 - (b) The operator of the lead abatement activity;
- (3) A statement of the type of operations (e.g. interior or exterior paint removal, component replacement, soil abatement), including the level of abatement activity as described in section 6.C, the number of rooms to be treated, and for projects that include window replacement whether the windows will be interior or exterior removal;
- (4) A clear description of the residential dwelling or child-occupied facility or affected part of the residential dwelling or child-occupied facility including the size (square feet and number of floors), age, and present and prior use;
- (5) The facility address, including building name (if applicable), number, and floor, unit or room number of the work area in which the lead abatement activity will take place;
- (6) Scheduled starting and ending dates of the lead abatement activities (encompassing set-up, abatement, and clearance dates, but not teardown dates);
- (7) Scheduled lead abatement project work hours for each lead abatement project by dwelling unit, if applicable, including planned shift work. A weekly updated schedule for each lead abatement

project by dwelling unit, if applicable, shall be faxed to the Department each Monday morning until the lead abatement project is complete;

- (8) The name and Maine certification number of the design consultant who prepared the abatement plan, as applicable;
- (9) The name, address, and telephone number of the transporter(s) scheduled to transport lead-contaminated wastes; and
- (10) The name and location of the licensed waste disposal site(s) at which the lead-contaminated wastes will be disposed.

C. Notification Revision Procedure. Notification of changes in date(s) must be made as follows:

- (1) If the activity will begin on a date earlier than the original start date, the operator must submit to the Department a new or revised notification that meets the requirements of this section, including ensuring notification is received by the Department at least five working days prior to commencement of abatement activities. Facsimile delivery of a written notification revision is also acceptable.
- (2) If the activity will begin later, or end earlier or later, than the dates set forth in the original notification, the operator must notify the Department by US Postal Service, commercial delivery service, hand delivery, facsimile or other method approved by the Department of the new start or end date as soon as possible before, but not later than 24 hours prior to, the original start or end date, as applicable. Also, if the activity will not occur on any of the dates set forth in the original or most recent notification revision, the operator must notify the Department no later than 24 hours prior to the change in schedule. Facsimile delivery of a written notification revision is also acceptable.

4. License Requirements for Contractors

A. Application Requirements. In order to obtain a license as a lead abatement contractor or to renew an existing lead abatement contractor license, a business entity must submit a complete application to the Department on a form approved by the Department. The application must demonstrate that the applicant meets all applicable standards and requirements, including the Standard of Conduct requirements of section 2 L, and must include the following:

- (1) Evidence that the business entity:
 - (a) employs a Maine certified project supervisor, and
 - (b) has an up-to-date written worker protection program that conforms with the following OSHA standards: the Standard for Respiratory Protection (29 CFR 1910.134, the General Industry Standard, effective April 8, 1998), and the Standard for Lead in Construction (29 CFR 1926.62, effective May 4, 1993).
- (2) A list of all lead associated citations and notices of violation received in the United States during the past year. This list must include the name of the issuing agency or department and the final disposition of such citation or notice. If any of the applicant's principals or officers, or persons with a controlling interest in the business has received a lead associated citation or notice while owning or operating another company in the previous year, the application must include a list of those

violations, including the name of the issuing agency or department and the final disposition of such citation or notice.

- (3) A list of states in which the applicant holds a license, certification, accreditation, or any other approval for lead abatement activity and description of the licensed activity.
- (4) A list of the names of the applicant's principals or officers, and any persons with a controlling interest in the business.
- (5) A list of all other entities that perform lead abatement activities of which the applicant or its principals or officers, or persons with a controlling interest, is a principal or officer, or person with a controlling interest.
- (6) A list of all names and acronyms by which the applicant's firm is known or under which it does or has done business.
- (7) A statement certifying that all of the information provided in support of the application is true and complete.
- (8) A statement attesting that the firm shall employ only duly certified employees to conduct lead-based paint activities, and that the firm and its employees will follow the work practice standards in section 6 of this chapter.
- (9) The appropriate license fee as listed in section 2.I.

B. Personnel Requirements.

- (1) A lead abatement project supervisor must be present at the work area of a lead abatement activity at all times during lead abatement activities.
- (2) Employees of lead abatement contractors who engage in lead abatement activities must be certified pursuant to section 5.

C. Work Practice and Record-Keeping Requirements. A lead abatement contractor must comply with all the work practice and record-keeping requirements in section 6.

5. Certification Requirements for Lead Professionals.

A. Application Requirements.

- (1) To obtain initial certification or to renew an existing certification to perform lead-based paint activities, an individual must submit a complete application to the Department on a form approved by the Department. The application must demonstrate that the applicant meets all applicable standards and requirements, including the Standard of Conduct requirements of section 2.L, and must include the following:
 - (a) Name, address, telephone number, and social security number of the applicant.
 - (b) Documentation demonstrating that the applicant meets the minimum education and experience standards for the specific discipline as listed in section 5.B below.

- (c) A copy of the training certificate demonstrating successful completion of the discipline specific training course(s) required as delineated in section 5.C below, and accompanying documentation of final test score(s) for the courses.
 - (d) Documentation that the applicant has achieved a score of 70% or higher on the Maine Lead Services Examination, and has demonstrated proficiency in the hands-on skills assessment, as required by section 5.D below.
 - (e) A statement certifying that the applicant's certification or other authorization to perform lead-based paint activities has not been suspended or revoked by any other jurisdiction and that no enforcement actions by any local, county, state or federal agency are pending against the applicant.
 - (f) A statement attesting that the applicant will follow work practice standards and other applicable requirements of this chapter.
 - (g) The appropriate certification application fee as listed in section 2.I.
 - (h) One recent passport or passport-size photograph.
- (2) To obtain renewal of a current certification to perform lead-based paint activities, an individual must submit a complete application to the Department on a form provided by the Department. The application must include the following:
- (a) Name, address, telephone number, social security number, and most recent certification number of the applicant.
 - (b) Documentation demonstrating successful completion of a discipline-appropriate refresher course or attendance at discipline-relevant programs as required in section 5.E.
 - (c) A statement certifying that the applicant's certification or other authorization to perform lead-based paint activities has not been suspended or revoked by the State of Maine or any other jurisdiction and that no enforcement actions by any local, county, state or federal agency are pending against the applicant.
 - (d) A statement attesting that the applicant will follow work practice standards and other applicable requirements of this chapter.
 - (e) The appropriate certification application fee as listed in section 2.I.
 - (f) One recent passport or passport-size photograph.

B. Education and Experience Standards. The minimum education and experience requirements for initial certification in each discipline are as follows. Relevancy of education or experience in a related field shall be determined by the Department.

- (1) Lead Abatement Worker: None.
- (2) Project Supervisor: High school diploma or G.E.D. plus one year as a lead abatement worker or two years experience in building trades, asbestos abatement, environmental technician or related field.

- (3) Sampling technician: High school diploma or G.E.D.
- (4) Lead Inspector: High school diploma or G.E.D.
- (5) Risk Assessor: Any combination of education and experience as follows is acceptable.
 - (a) Certified industrial hygienist, professional engineer, registered architect or related scientific field, plus one year experience as a certified lead inspector including a minimum of 20 lead inspections, or
 - (b) Bachelors degree and at least one year of experience in a related field, such as asbestos or radon, code enforcement, building construction, or residential energy auditing, plus one year experience as a certified lead inspector including a minimum of 20 lead inspections, or
 - (c) High school diploma or G.E.D. with a combination of education and experience equivalent to the educational requirements in (b) above (six months experience is equal to one year of college for purposes of this requirement); plus one year experience as a certified lead inspector, including a minimum of 20 lead inspections, or 40 lead determinations that included the use of an XRF to take at least 30 readings as part of each determination, characterization of lead-painted surfaces, and the production of a report meeting the standards for lead inspection reports.

In lieu of the experience requirements listed above, an applicant may pass a field assessment by the Department of her or his ability to appropriately implement risk assessment procedures. This field assessment will consist of an evaluation of: sampling protocols and data gathering techniques; assessment of paint condition; appropriate instrument use; identification of lead hazards and any underlying causes, recommendation of appropriate hazard management strategies; risk communication; and completeness, accuracy, and readability of reports.

- (6) Design Consultant: Any combination of education and experience as follows is acceptable.
 - (a) Bachelor's degree in engineering, architecture or a related profession plus one year experience in building construction and design or a related field; or
 - (b) High school diploma or G.E.D. plus four years of experience in building construction and design or a related field.

C. Training Requirements. To meet the training requirement for initial certification, the applicant's training courses must be accredited or otherwise approved under the provisions of section 8.H by the Department.

- (1) Lead Abatement Worker - Successful completion of a lead worker course.
- (2) Project Supervisor - Successful completion of a project supervisor course.
- (3) Sampling Technician – Successful completion of a sampling technician course.
- (4) Lead Inspector
 - (a) Successful completion of a lead inspector course; and

(b) Successful completion of radiation safety training appropriate to the use of an XRF.

(5) Risk Assessor

(a) Successful completion of a lead inspector course;

(b) Successful completion of a risk assessor course; and

(c) Successful completion of radiation safety training appropriate to the use of an XRF.

(6) Design Consultant

(a) Successful completion of a project supervisor course; and

(b) Successful completion of a design consultant course.

D. Examination Requirements for Initial Certification. Applicants must attain a score of 70% or higher on the Maine Lead Services Examination, or other third party exam as approved under the provisions of section 8.H by the Department, in the discipline for which they are requesting certification. Except for design consultant candidates, applicants must also demonstrate proficiency in a hands-on skills assessment which is given during the discipline-specific training course.

(1) Failure to pass the final examination (score of less than 70%) results in the following:

(a) After a single examination failure, the applicant takes a different version of the course examination once.

(b) After a second examination failure, an applicant must attend 8 hours of remedial training approved by the Department prior to retaking the course examination.

(c) After a third examination failure, an applicant must take the initial training course again along with the initial training course examination.

(2) Failure to demonstrate proficiency during the hands-on assessment requires that the applicant undergo reassessment by the training provider until proficiency can be demonstrated or the training provider determines that proficiency cannot be attained.

E. Annual Refresher Requirement. A certified lead professional shall maintain proficiency by annually attending educational programs whose content is relevant to the discipline in which they are practicing. During the first two years following initial certification in a discipline and every three years after that, this annual training requirement must be met by successful completion of a discipline-specific Department-accredited 8-hour refresher course, except that no refresher is required for the sampling technician discipline. The remaining annual training requirements may be met through attendance at a Department-accredited discipline-specific refresher course or through at least 8 hours of documented attendance at other programs that are relevant to the applicant's discipline. These programs may be short courses, workshops or seminars. The Department shall have final authority in determining if training proposed to meet the requirements of this section is acceptable.

F. Certification in more than one discipline. Certification at a higher level qualifies an individual to function in a lower discipline as follows:

- (1) A project supervisor may function as a lead abatement worker.
- (2) A design consultant may function as a project supervisor.
- (3) A risk assessor may function as a lead inspector.

6. Lead Abatement Work Practices

A. General Provisions.

- (1) Compliance with lead abatement work practices. All lead abatement contractors and lead professionals who engage in lead abatement activities shall comply with the work practices in this section.
- (2) State and federal regulations. Lead abatement contractors and lead professionals must comply with all applicable occupational health and safety regulations of the Maine Bureau of Labor Standards, the U.S. Occupational Safety and Health Administration (OSHA), the Maine Department of Environmental Protection and the U. S. Department of Transportation. The OSHA regulations include, but are not limited to: OSHA 29 CFR 1926.62 (effective May 4, 1993), 1910.134 (effective April 8, 1998), 1910.1020 (effective date June 20, 1996) and 1926.59 (effective June 20, 1996) (lead construction, respiratory protection, access to exposure and medical monitoring records, and hazard communication standards).
- (3) Local codes. All building code and fire code requirements for access to a residential dwelling or child-occupied facility shall be maintained.
- (4) Prohibition. No on-site work for any lead abatement project shall be conducted unless at least one certified lead abatement project supervisor employed by the lead abatement contractor is physically present on the job.
- (5) Personal Protective Equipment. All individuals engaged in lead abatement activities or individuals who enter into work areas where lead abatement activities are occurring, must wear appropriate respiratory protection meeting OSHA 29 CFR 1910.134 (effective April 8, 1998), and personal protective clothing and other protective equipment in accordance with the requirements of OSHA 29 CFR 1926.62 (effective date February 13, 1996) and must use this equipment in the manner for which it was designed.

B. Pre-Abatement Requirements.

- (1) Notifications.
 - (a) The lead abatement contractor shall notify the Department in conformance with section 3 at least five (5) working days before beginning any lead abatement activity. The lead abatement contractor shall be responsible for ensuring that notification has been received by the Department.
 - (b) The lead abatement contractor shall provide written notification to the occupants at least five (5) days in advance of the proposed lead abatement activities. This notification shall be

accomplished either by posting 8.5 by 11 inch signs at all entrances into the residential dwelling or child occupied facility, and adjacent common areas, or by individual letters or flyers delivered to all occupants or units. This notice must include the scheduled dates and work hours for lead abatement activities, identification of work site(s), and information on any alternative entrance or exit to be used during abatement activities.

Note: A lead hazard warning sign is posted by the Department of Human Services whenever a lead hazard is identified by a state lead investigator. The lead hazard warning sign does not replace the notification required by this section. This warning sign is posted at all entrances to the residential dwelling, or child-occupied facility before the state investigator leaves the premises. The lead hazard warning sign states that a lead hazard has been identified and that a lead abatement activity will be ordered. This warning sign must not be removed until the post-abatement dust wipe clearance samples do not exceed the clearance levels as specified in section 6.F and the visual assessment evidences that all lead hazards have been abated successfully. Only the state lead investigator certifying the lead-safe status of the residential dwelling or child-occupied facility for the Department of Human Services may remove the lead hazard warning signs.

- (2) **Lead Abatement Project Warning Signs.** The lead abatement contractor shall also post lead abatement project warning signs in accordance with the work area containment requirements under section 6.C.2. This sign must be at least 8.5 by 11 inches and shall state the start and end dates of the lead abatement project. This abatement project warning sign must not be removed until the visual assessment evidences that all lead hazards have been abated successfully and the post-abatement dust wipe clearance samples do not exceed the clearance levels as specified in section 6.F(3)(c).
- (3) **Written Occupant Protection Plan.** A certified project supervisor or design consultant shall develop a written occupant protection plan prior to initiating the abatement activity. The occupant protection plan shall be unique to each residential dwelling or child-occupied facility. The occupant protection plan shall describe the measures and management procedures that will be taken during the abatement to protect the building occupants from exposure to lead. Whenever the occupant protection plan is prepared by a lead design consultant, the design consultant shall provide the lead abatement contractor with the occupant protection plan and all documents related to other aspects of the project design prior to the start of the abatement project.

Whenever a lead abatement activity is being conducted in a common area of a residential dwelling containing two (2) or more dwelling units, the occupant protection plan shall indicate alternative entrances and exits that do not require passing through the common area(s), or the lead abatement contractor shall create an uncontaminated passageway through the common area(s) for use as an entry into uncontaminated residential dwellings or child-occupied facilities.

C. Work Site Preparation.

- (1) **General Requirements.** The work area for lead-based paint abatement activities shall be prepared to prevent the release of lead-contaminated dust. Work area preparation shall ensure that lead-contaminated dust, lead-based paint chips and other debris from abatement activities are contained within the work area until they can be safely removed. Only certified lead professionals and qualified Department staff may enter a lead abatement work area until it is established that the work area has met the interim or final clearance requirements set forth in section 6.E.2 or 6.F, whichever applies. The appropriate work area preparation, including barrier system requirements in

conformance with section 6.C(2) below, shall be determined by the project supervisor or design consultant.

(2) Work Area Containment Requirements.

(a) Interior Work Area Preparation Levels (not including windows):

[Note: Multiple levels of work area preparation may be used on the same project.]

Description	Level 1	Level 2
	Any abatement disturbing <10 sq. ft. of painted surface per room	Any abatement method disturbing >10 sq. ft (not including windows)
Time limit per dwelling	Three work days	None
Occupant Location	Outside the work area(s) until clearance is achieved. Must have safe passage to bathroom and at least one living area, and entry/egress pathway. Alternatively, occupant can leave the dwelling during the work day.	Same as Level 1
Barrier System	Single layer of 6 mil poly or its equivalent on floor extending 10 feet beyond the perimeter of the treated area(s) in all directions. Two layers of 6 mil poly or its equivalent with airlock flap is required on doorways. Door secured from inside need not be sealed. All windows not being worked on must be closed or covered with one layer of 6-mil poly or its equivalent	Two layers of 6 mil poly or its equivalent on the entire floor. If dwelling unit will remain unoccupied during abatement and the entire unit is being treated, then no poly is required on hard-surface floors. Entrances to individual rooms containing work areas must have two layers of 6 mil poly or its equivalent with airlock flap on access doorways. Seal off all other doors within the room with two layers of 6-mil poly or its equivalent. If entire unit is being treated, cleaned, and cleared, doorways need not be sealed. If only a few rooms are being treated, seal off doors to untreated rooms with two layers of 6-mil poly or its equivalent in order to avoid cleaning untreated rooms. All windows not being worked on must be closed or covered with one layer of 6-mil poly or its equivalent.

Abatement Project Warning Signs	Required at entry to work area (including exterior work areas) but not on building, unless exterior work is underway).	Posted at entry to work area (including exterior work areas), dwelling unit or building exterior near main and secondary entryways.
Ventilation System	Building ventilation system turned off in work area(s), all vents in room must be pre-cleaned and then sealed with one layer of 6 mil poly or its equivalent. Negative pressure zones (with “negative air” machines) are not required, unless large supplies of fresh air must be admitted into the work area to control exposure to other hazardous substances (for example, solvent vapors).	Same as Level 1
Decontamination Facility	Hand/face wash station	Decontamination unit contiguous with work area, or the use of a clean suit over contaminated suit to move to remote decontamination unit
Furniture	Precleaned, then removed from work area or precleaned and left in place and covered with single layer of 6 mil poly or its equivalent.	Same as Level 1

(b) Exterior work area preparation levels

Description	Level
Typical Applications	Any abatement method disturbing exterior painted surface per building. Also include soil control work.
Time Limit Per Building.	None
Occupant Location	Inside building but outside work area for duration of project. Alternatively, occupant may leave until all work has been completed. Occupant must have secure access to entry/egress pathways.

Barrier System	One layer of 6 mil poly or its equivalent ("plastic") on ground extending 10 feet beyond the perimeter of working surface. The area under the plastic must be cleared of all movable objects and debris, and cleaned of all visible paint chips prior to placement of the plastic. Do not anchor ladder feet on top of plastic (puncture the plastic to anchor ladders securely to ground). Protect plastic with boards to prevent puncture from falling debris, nails, etc. if necessary. Raise edges of plastic to create a basin to prevent contaminated run-off in the event of unexpected precipitation. Secure plastic to side of building with tape or other anchoring system (no gaps between plastic and building). Weight all plastic sheets down. Keep all windows within 20 feet of working surfaces closed.
Decontamination Facility	Hand/face wash station
Playground equipment, toys, sandbox	Remove all movable items to a 20-foot distance from working surfaces. Items that cannot be readily moved to a 20-foot distance shall be sealed with taped 6 mil poly or its equivalent.
Security	Erect temporary fencing or barrier tape at a 20-foot perimeter around working surfaces (or less if distance to next building or sidewalk is less than 20 feet). If an entryway is within 10 feet of working surfaces, require use of alternative entryway. If practical, install vertical containment to prevent exposure. Use a locked dumpster, covered truck, or transfer debris to a locked secure area at the end of each day.
Signs	Post warning signs on the building and at a 20-foot perimeter around building (or less if distance to next building or sidewalk is less than 20 feet).
Weather	Do not conduct work if wind speeds are greater than 20 miles per hour. Work must stop and cleanup must occur before rain begins.
Porches	One secured entryway must be made available to occupants at all times. Do not treat front and rear porches at the same time if there is not a third doorway.

(c) Window Preparation when only removing windows from the interior of the building

Occupant Location	Occupants can remain inside the unit, but outside the interior work area(s) until clearances are achieved. Alternatively, the occupants can leave until all work has been completed. Occupants must have access to secure entry/egress pathway.
Time Limit Per Building	None.
Barrier System	Tape two overlapping layers of 6 mil poly or its equivalent to exterior wall. Place one layer of 6 mil poly or its equivalent on the floor extending 5 feet beyond perimeter of each window being treated/replaced. All windows on the side of the building where work is being conducted must be closed. Two layers of 6 mil poly or its equivalent with airlock flap on doorway into the work area.
Decontamination Facility	Decontamination unit contiguous with work area, or the use of a clean suit over contaminated suit to move to remote decontamination unit
Furniture	Precleaned, then removed from work area or precleaned and left in place and covered with single layer of 6 mil poly or its equivalent.
Cleanup	Clean up in accordance with the requirements of Section 6.E. No exterior cleaning is needed if all work is done from the inside, and the two overlapping layers of 6 mil poly or its equivalent on the exterior wall is not breached
Signs	Required at entry to room but not on building (unless exterior work is also underway.)

(d) Window Preparation when only removing windows from the exterior of the building

Occupant Location	Occupants remain inside the unit but outside the exterior work area(s) until exterior clearances are achieved. Alternatively, the occupants can leave until all work has been completed. Occupants must have access to secure entry/egress pathway
Barrier System	Tape two overlapping layers of 6 mil poly or its equivalent to the interior wall; place one layer of 6 mil poly or its equivalent on the ground extending 5 feet beyond perimeter of each window being treated/replaced, securing the 6 mil poly or its equivalent to side of building with tape or other anchoring system so that there are no gaps between 6 mil poly or its equivalent and the building) Weight all 6 mil poly or its equivalent sheets down with two-by-fours or similar objects
Decontamination Facility	Hand/face wash station

Playground equipment, toys, sandbox	Remove all movable items to a 20-foot distance from working surfaces. Items that cannot be readily moved to a 20-foot distance shall be sealed with taped 6 mil poly or its equivalent.
Security	Erect temporary fencing or barrier tape at a 20-foot perimeter around working surfaces (or less if distance to next building or sidewalk is less than 20 feet). If an entryway is within 10 feet of working surfaces, require use of alternative entryway. If practical, install vertical containment to prevent exposure.
Signs	Post warning signs on the building and at a 20-foot perimeter around building (or less if distance to next building or sidewalk is less than 20 feet).
Weather	Do not conduct work if wind speeds are greater than 20 miles per hour. Work must stop and cleanup must occur before rain begins.
Cleanup	Clean up in accordance with the requirements of Section 6.E. No interior cleaning is needed if all work is done from the outside, and the 6 two overlapping layers of 6 mil poly or its equivalent on the interior wall is not breached.
Porches	One secured entryway must be made available to occupants at all times. Do not treat front and rear porches at the same time if there is not a third doorway.

- (e) To determine the preparation requirements within the room/work area where both window(s) and other interior building components are being treated, first determine which level of abatement applies to the interior building component(s) (e.g. baseboard, threshold, door) and then determine the appropriate interior work area preparation level in accordance with the requirements referred to in Section 6.C(2)(a) of this rule. Either interior or exterior window treatment may be used in conjunction with Level I or II interior treatment. If using exterior window treatment in a room where interior treatment is being performed, then both the exterior window clearance and the interior work area clearance requirements apply to that room. Wherever there is a conflict when combining Level 1 or 2 requirements with window treatment requirements (e.g. occupant location, decontamination facility, furniture, signs) the more stringent requirement applies.

D. Abatement Methods.

- (1) General. Abatement shall permanently eliminate, enclose, or encapsulate any lead-based paint and lead hazards in accordance with the requirements of this chapter. Acceptable methods of abatement are listed below.

Abatement of intact, factory applied prime coatings of lead-based paint on metal surfaces and of intact, factory applied vinyl coatings is not required. Finish coatings on such surfaces shall be abated if required to complete abatement of lead hazards.

(2) Paint Removal.

- (a) Prohibited methods of paint removal. The following paint removal methods shall not be used to remove lead-based paint:
 - (i) Open flame burning or torching;
 - (ii) Machine sanding or grinding without a HEPA exhaust control;
 - (iii) Uncontained hydroblasting or high pressure wash;
 - (iv) Abrasive blasting or sandblasting without HEPA exhaust control;
 - (v) Heat guns operating above 1100 degrees Fahrenheit;
 - (vi) Chemical paint strippers containing methylene chloride except as noted in section 6.D(2)(b)(ii) below; and
 - (vii) Dry scraping or dry sanding, except in conjunction with heat guns or around electrical outlets.
- (b) The following methods may be used for removing lead-based paint from a substrate.
 - (i) Mechanical Methods
 - a. Wet hand scraping, followed by light "feather" sanding; or
 - b. Wet hand scraping in conjunction with a heat gun which produces a temperature not exceeding 1,100 degrees Fahrenheit and is used in accordance with manufacturer's instructions and recommendations; or
 - c. Machine sanding equipped with HEPA filter vacuum
 - d. Abrasive blasting with HEPA exhaust control. [Exterior use only]
 - (ii) Chemical Methods. Non-flammable chemical strippers which do not contain methylene chloride may be used in interior work area. Chemical strippers shall be used in accordance with the manufacture's instructions. Strippers containing methylene chloride may be used on exterior painted surfaces and for localized "touch-up" on interior work areas. Architectural components may be sent off-site for removal in dip-tanks.

Note: On masonry components, sealing may be required after chemical stripping due to surface porosity.

(3) Encapsulation.

- (a) The selection, application, and evaluation of encapsulants for lead abatement activities shall be done in accordance with the following American Society of Testing and Materials (ASTM) standards as described in the 1996 ASTM Annual Book of Standards, Volume 4.07:

- (i) E 1795 Standard Specification for Non-Reinforced Liquid Coating Encapsulation Products for Leaded Paint in Buildings;
 - (ii) E 1797 Standard Specification for Reinforced Liquid Coating Encapsulation Products for Leaded Paint in Buildings; and
 - (iii) E 1796 Standard Guide for Selection and Use of Liquid Coating Encapsulation Products for Leaded Paint in Buildings.
- (b) Encapsulation treatments used in accordance with the following requirements constitute an acceptable method of abatement;
- (i) The encapsulating product or system shall be warranted by the manufacturer to perform for a minimum of 20 years as a durable barrier between the lead-based paint and the environment in the type of application planned.
 - (ii) The encapsulating products or systems shall be used in a manner consistent with the manufacturer's instructions and recommendations.
- (4) Enclosure. Enclosure systems shall be of rigid durable construction materials, and mechanically fastened to the substrate. All seams must be caulked to prevent the migration of lead dust from the enclosure system. Caulking seams is not required for vinyl or aluminum siding enclosure applications.
- (5) Component Removal. This method consists of removal of lead-contaminated components. If replacement of a component occurs, it shall be with new or abated components
- (6) Carpet abatement. Lead-contaminated rugs, carpets or other fabric surfaces may be abated by steam cleaning or by removal and disposal.
- (7) Abatement of lead-contaminated water. Abatement methods for lead-contaminated water include: for water systems with a first-draw sample containing 15 ppb or greater of lead and the flushed sample containing less than 15 ppb, the replacement of lead-containing pipes, soldered joints, couplings and fixtures with lead-free materials; and for water samples with flushed samples containing 15 ppb or greater lead, the installation and maintenance of a reverse osmosis, distillation, or solid block or pre-coated absorption filter system appropriate for the removal of lead from drinking water.

Note: A listing of water quality professionals familiar with appropriate filtration systems is available from the Department of Human Services Drinking Water Program (207-287-2070).

- (8) Soil Abatement. The following methods may be used to make the soil inaccessible or eliminate or reduce the concentration of lead in bare soil. All disturbances of soil containing unacceptable lead levels shall be performed while the soil is wet or damp and shall utilize techniques that minimize creation of dust.
- (a) Covering Soil. Complete covering of the bare soil with concrete or asphalt to a depth of at least two (2) inches.

- (b) **Mixing of Soil.** Mixing of contaminated soil with lead-free soil or soil amendments to reduce the concentration of lead in bare soil to less than 375 ppm in play areas or less than 1000 ppm in bare soil in the perimeter of the building in other than play areas; or
- (c) **Excavation and Replacement of Soil.** Complete excavation to a depth of at least four (4) inches, removal, and replacement of the lead-contaminated soil with soil that is not lead-contaminated.

E. Cleanup Requirements. This subpart establishes procedures to assure that lead-contaminated debris and dust resulting from lead abatement activities are properly removed by the lead abatement contractor to render residential dwellings or child-occupied facilities acceptable for clearance and occupancy.

- (1) **Daily Cleanup Requirements.** Daily cleanup shall occur at the end of each workday after all lead abatement activities have ceased in occupied units or in units where occupants return daily, and where exterior lead abatement activities have occurred. Daily cleanup is not required in vacant units or if all lead abatement activities are completed by the end of the first workday. All horizontal surfaces in all containment areas in which lead abatement activities are taking place and any vertical surface within 5 feet of treated surfaces shall be included in daily clean up.
 - (a) Debris shall be wrapped in a protective covering with all seams taped or placed in closed durable containers resistant to puncture. If debris is removed from the work area, it must be stored in a secure location until removal.
 - (b) Workers shall use cleaning practices that minimize the generation of airborne dust, such as misting dust and debris with water prior to cleaning. A system of cleaning that involves HEPA vacuuming, wet cleaning with a lead-specific detergent or equivalent, and then HEPA vacuuming again shall be used to remove lead-contaminated dust.
 - (c) The containment area's protective coverings shall be examined and any defects immediately repaired.
 - (d) Exterior areas affected by lead abatement activities shall be protected with a single layer of 6 mil polyethylene sheeting extending a minimum of 10 feet beyond the perimeter of the working surface prior to the initiation of lead abatement activities. The protective sheeting shall be examined daily for lead-contaminated debris. Any lead-contaminated debris that is found shall be either HEPA vacuumed or wrapped, secured, and stored until removal. The protective sheeting shall be HEPA vacuumed at the end of each work day, rolled inward upon itself for reuse the following day, or secured, and stored until removal.
- (2) **Interim cleanup, visual assessment and interim clearance requirements.**
 - (a) Interim cleanup, visual assessment, and interim clearances shall be performed whenever another contractor will perform a non-lead abatement activity in work areas where lead abatement activities have been conducted but before the final cleanup, visual assessment, and final clearances have been conducted. Interim cleanup, visual assessment and interim clearance sampling may be limited to the work areas, required egresses to those work areas, and the decontamination facility where that non abatement activity will occur. All other rooms/areas shall be isolated from those work areas by a physical or single layer of 6 mil poly or its equivalent barrier. Lead abatement project warning signs shall be placed on all entries to any areas that have not met interim clearance requirements.

Interim cleanup shall begin no sooner than one hour after active lead abatement activities have ceased.

Debris shall be wrapped in a protective covering with all seams taped or placed in closed durable containers resistant to puncture. The debris shall then be removed from the proposed work area and stored in a secure location until removal.

Cleaning shall start at the room/area furthest from the decontamination facility and proceed to and include the decontamination facility itself. Cleaning in each room/area shall include a complete HEPA vacuuming, wet-cleaning, and HEPA vacuuming of all walls, ceiling, building components, protective coverings within the barrier system, the barrier system of the work area proposed for non-abatement activities, and the decontamination facility. Cleaning shall start at the ceiling (and associated fixtures), proceed down the walls, and to the floor. After cleaning is complete, either remove the barrier system from the proposed work area(s) or limit its removal to those specific components in order to perform the non-lead abatement activities as applicable. The decontamination facility may be either left in place or removed from the work area for the duration of the non-lead abatement activity. An on-site decontamination facility must be in place and used by the lead abatement contractor during final clean up activities.

- (b) Interim Visual Assessment. At the completion of interim cleanup, a visual assessment of the proposed work area shall be conducted in accordance with section 6.F(2).
 - (c) Interim Clearances. Interim clearances shall be conducted in accordance with section 6.F.
 - (d) Completion of non-lead abatement activities. After the completion of the non-lead abatement activities, the entire work area shall be subject to the final cleanup, visual assessment and clearance sampling requirements of section 6.E(3) and section 6.F respectively.
- (3) Final cleanup requirements. Final cleanup activities shall be performed by a licensed lead abatement contractor.
- (a) General. The work area and any surrounding areas where lead-contaminated dust or debris may be present, including window troughs and decontamination unit (if applicable), shall be cleaned prior to performing a clearance examination.

An on-site decontamination facility must be in place and used by the abatement contractor during final cleanup activities. The decontamination facility shall remain in place until the work area meets the final visual clearance standards set forth in section 6.F(3)(b) and clearance samples have been collected.

- (b) Timing. Final cleanup shall begin no sooner than one hour after active lead abatement activities have ceased, and shall be completed prior to repainting or sealing floors or other surfaces.
- (c) Required practices. Required practices for final cleanup are as follows:
 - (i) Debris shall be wrapped in a protective covering with all seams taped or placed in closed durable containers resistant to puncture. The debris shall then be removed from the work area and stored in a secure location until removal.
 - (ii) Dust and debris shall be removed in a manner which effectively avoids contamination of the property.

- (iii) Cleaning shall start at the room/area furthest from the decontamination facility and proceed to and include the decontamination facility itself. Cleaning in each room/area shall include a complete HEPA vacuuming, wet-cleaning, and HEPA vacuuming of all walls, ceiling, building components, protective coverings within the barrier system, the barrier system, and the decontamination facility. Cleaning shall start at the ceiling (and associated fixtures), proceed down the walls, and to the floor.
- (iv) Protective coverings used to contain or collect dust and debris within the work area shall be removed in a manner that prevents the dispersion of lead-contaminated dust and debris.
- (v) Exterior areas affected by lead abatement activities shall be visually examined for lead contaminated debris. Any such debris shall be wrapped, secured, and stored until removal.
- (d) Sealing treated surfaces. Treated surfaces shall be finished by painting, varnishing, or an equivalent coating, either after interim cleanup, interim visual assessment and interim clearances are performed or after the final cleanup and final visual assessment are complete and before clearance sampling is performed.
- (4) Waste handling and disposal. The lead abatement contractor shall ensure that all lead-containing waste material shall be removed from the site not later than one (1) week after completion of clean-up and prior to final clearance. The lead abatement contractor and the contractor removing lead-containing waste material shall comply with all hazardous and solid waste regulations of the Maine Department of Environmental Protection and the U. S. Department of Transportation. All generators must retain documentation to substantiate each waste determination, waste transporter used, and final waste disposal location.
 - (a) Waste determination. The lead abatement contractor must handle all waste generated by the lead abatement project in accordance with all applicable state and federal rules, including but not limited to the State of Maine Solid Waste Management Regulations (06-096 CMR 400 *et seq.*), and Hazardous Waste Management Rules (06-096 CMR 850 *et seq.*).

Note: Waste generated from residential projects that is handled as household waste is exempt from regulation as a hazardous waste under the provisions of Chapter 850, Section 3.A(4)(a)(vii). For further guidance on appropriate handling of waste from lead-based paint activities, please contact the Lead & Asbestos Hazard Prevention Program at (207)287-2651.

- (b) Handling, storage, transportation and disposal of non-hazardous solid wastes. Prior to removing non-hazardous solid wastes and lead-contaminated household hazardous wastes from the work area, the wastes must be wrapped in 6-mil polyethylene plastic or its equivalent and all seams must be taped shut. Wastes must be stored in a designated and secure area. If the storage area is outside, 6 mil poly or its equivalent must be placed underneath and on top of the wastes to prevent soil contamination. Wastes must be transported in covered vehicles by non-hazardous waste transporters licensed in accordance with the Non-Hazardous Waste Transporter License Rule (06-096 CMR 411). All lead-contaminated non-hazardous solid waste and lead-contaminated household hazardous wastes must be disposed of in a licensed solid waste landfill in accordance with the requirements of the State of Maine Solid Waste Management Rules (06-096 CMR 400 *et seq.*).

- (c) Handling, storage, transportation and disposal of hazardous wastes. All hazardous wastes must be handled, stored, transported and disposed of in accordance with the State of Maine Hazardous Waste Management Rules (06-096 CMR 850 *et seq.*), including the Licensing of Transporters of Hazardous Waste (06-096 CMR 853).

F. Clearance Requirements. A clearance examination shall be conducted to assure that all lead abatement activities have been properly completed.

- (1) General requirements. Clearance examinations for lead abatement projects shall be performed by a risk assessor or lead inspector. Clearance examinations following interim controls or renovation and remodeling work as required by 24 CFR Part 35 (effective 9/15/2000) shall be performed by a risk assessor, lead inspector, or sampling technician. Clearance examinations consist of visual assessment, dust testing, and, if appropriate, soil testing.

Note: Owners and operators should address the cost of any repeat clearance examination work as part of contractual agreements.

- (2) Visual assessment for lead abatement project clearance. A visual assessment of the lead abatement work area shall be performed before dust and soil samples (if required) are collected. The lead inspector or risk assessor performing the clearance shall confirm that all lead abatement activities were properly completed by visual examination and reference to documents such as the project specifications, lead inspection report, or risk assessment report.

During the visual assessment, the lead inspector or risk assessor performing the clearance shall also inspect the work area and decontamination unit (if applicable) for visual evidence of dust and debris. The interior and exterior of the property shall be free of waste, debris, paint chips, and settled dust. If visible dust or debris are found during the visual assessment, these areas of the work area and decontamination unit shall be determined to fail the visual assessment. These areas shall be recleaned in accordance with the requirements of section 6.E(3). Any uncorrected lead hazards shall be abated before final dust clearance is initiated. All units passing clearance must be free of lead hazards.

The use of a "baby wipe" to wipe a surface in order to determine if that surface is free of debris may be used to supplement the visual assessment.

- (3) Dust testing.
 - (a) General requirements. Dust samples from residential dwellings or child-occupied facilities shall be collected according to the procedures in this section. Dust testing shall not begin until the work area passes the visual assessment.
 - (b) Dust sampling requirements for lead abatement projects. The lead inspector or risk assessor shall take at least the minimum number of clearance dust samples at locations in accordance with Table 4: "Minimum Number and Location of Clearance Dust Samples for All Abatement and Interim Control Work." The lead inspector or risk assessor may elect to collect and analyze more than the minimum number of samples in order to ascertain that all clearance standards are met.

Note: Visual assessments and dust sampling clearances for interim control and renovation work as required by 24 CFR Part 35 "Requirements for Notification, Evaluation and Reduction of Lead-Based Paint Hazards in Federally Owned Residential Property and Housing Receiving Federal Assistance; Final Rule" (effective 9/15/2000) must be performed in accordance with the applicable HUD rules and guidance.

TABLE 4
Minimum Number and Location of Clearance Dust Samples for All Abatement Work

Category Description	Number and Location of Single Surface Clearance Dust Samples
Interim clearances.	A minimum of two dust samples from every treated room.
Interior level 2 treatments; with no barrier systems within building	<p>A minimum of two dust samples from every room in residential dwelling or child-occupied facility (whether treated or untreated).</p> <ul style="list-style-type: none"> • One interior window sill or window trough, alternating between rooms. • One floor, and one floor sample for every 2,000 ft² of a common area room (if present).
Interior level 1 or 2, treatments with 6 mil poly or its equivalent barrier systems within building.	<p>A minimum of two dust samples from every treated room in residential dwelling or child-occupied facility, or if more than four rooms were treated, from at least four treated rooms.</p> <ul style="list-style-type: none"> • One interior window sill or window trough, alternating between areas, • One floor, and one floor sample for every 2,000 ft² of a common area room (if present).
Exterior treatments (including soil)	<p>A minimum of two samples as follows: At least one dust sample on a horizontal surface in part of the outdoor living area (e.g., a porch floor), and One window trough sample.</p>

(c) Clearance standards. Clearance standards for residential dwellings and child-occupied facilities are as follows:

- Hard floors -- 40 ug/ft² (micrograms of lead per square foot).
- Carpeted floors- 40 ug/ft²
- Interior window sills- 250 ug/ft²
- Window trough--400 ug/ft²

If the test results are equal to or exceed these standards, the lead abatement contractor shall perform the following actions, as appropriate: If a single-surface dust sample for a residential dwelling or child-occupied facility fails, all components that the sample represents shall be re-cleaned in accordance with section 6.E(3) until they pass a dust clearance test. If single surface samples in only one room or on one type of component fail, only that room or component shall be re-cleaned and be retested until it passes a dust clearance test.

(4) Soil Testing.

- (a) General. Clearance soil samples shall be taken if soil abatement activities involving mixing or replacing soil in accordance with section 6.D(10)(b) or section 6.D(10)(c) have been performed. If the exterior lead abatement activities involve covering bare soil in conformance with section 6.D(10)(a) only, clearance soil samples are not required; only a visual assessment is required in accordance with section 6.F.
- (b) Sampling and analytical requirements. Soil samples shall be collected and analyzed in accordance with the following requirements.
 - (i) Soil testing shall not begin until the property passes the visual assessment.
 - (ii) Soil sampling may be performed on a random sample of soil locations around a multifamily complex of 10 or more buildings.
 - (iii) All soil samples shall be composite samples of bare soil only.
 - (iv) The number and location of clearance soil samples shall be taken in accordance with the following specifications:
 - a. One composite sample shall be collected around the perimeter of the building from perimeter areas that are not play areas. If only selected faces of the building were treated, the subsamples must come from those faces.
 - b. A second composite sample shall be collected from bare soil in play areas, if any.
 - c. Clearance standard. If the test results for bare soil samples in play areas exceed 375 ppm or 1000 ppm from the perimeter of the building in other than play areas, the work area fails the clearance examination and the actions required by section 6.D(10) shall be performed.

G. Reporting Requirements.

- (1) Interim and final clearance sampling results. A lead inspector or lead risk assessor shall provide all interim and final clearance sampling results from a lead abatement project to the lead abatement contractor within 48 hours of receipt of those results.
- (2) Lead abatement report. Within 30 days of completion of the abatement, the lead abatement contractor shall prepare and provide to the building owner a lead abatement report and the lead abatement contractor shall also provide a copy of this report upon request to any lead inspector, risk assessor, and/or design consultant who performed services on the project. The abatement report shall include the following information:
 - (a) Start and completion dates of abatement.
 - (b) The name and address of each licensed firm conducting the abatement and the name of each project supervisor assigned to the abatement project.
 - (c) The occupant protection plan prepared pursuant to section 6.B(3).

- (d) The name, address, and signature of each certified risk assessor or lead inspector conducting clearance examinations and the date of clearance sampling.
- (e) The results of clearance examinations, including all dust and soil analyses (if applicable) and the name of each NLLAP-accredited laboratory that conducted the analyses.
- (f) A detailed written description of the abatement, including abatement methods used, locations of rooms and/or components where abatement occurred, barrier system levels required, reason for selecting particular abatement methods for each component, and any suggested monitoring of encapsulants or enclosures.

H. Record-Keeping Requirements. A lead abatement contractor shall maintain all documents listed in this section for a minimum of ten years at its principal place of business or at an archive facility approved in advance by the Department, in a form which is easily retrievable by project.

- (1) A lead abatement contractor must make the following documents available to the Department within 24 hours of request:
 - (a) Documents required by all applicable OSHA standards.
 - (b) The name, address, and Department certification number for each of its employees engaged in lead abatement activities, including dates of employment.
 - (c) Identification, by name and Department certification number, of each employee's involvement in each of the lead abatement contractor's past and present lead abatement projects, including name, address, location, and duration of each project.
 - (d) Copies of all correspondence between the lead abatement contractor and any regulatory agency, including, but not limited to, letters, notices, citations received, and any notifications made by the contractor pursuant to this Chapter.
 - (e) Documents required to be maintained under any other applicable federal, state or local laws or regulations governing lead hazards and occupational safety and health.
 - (f) Documentation on lead-contaminated wastes generated by each project delineating: amounts; results of any waste sampling and analysis, if applicable; the waste transporter; and the disposal site.
 - (g) Copies of all laboratory and design consultant reports provided to the lead abatement contractor documenting work place and personal exposure levels.
 - (h) Copies of design consultant reports provided to the lead abatement contractor regarding inspection, project design, and clearances.
 - (i) Individual project records specified in section 6.H(2) below.
 - (j) The lead abatement report created in conformance with section 6.G.
- (2) A lead abatement contractor must maintain the following documents at the abatement work site throughout the duration of such activity, and must make the documents immediately available to the Department and to the lead inspector or risk assessor monitoring the project upon request:

- (a) A current copy of these rules.
- (b) A copy of the ongoing lead abatement project design.
- (c) A listing of all employees, by name, social security number, and Department certification number, who are assigned to the on-going project.
- (d) A listing of each of the subcontractors involved in the ongoing project.
- (e) A Department certification card for each employee involved in the on-going project.
- (f) A daily sign-in/sign-out log clearly identifying each employee involved in the on-going project by name and Department certification number, and identifying the length of time spent at each project location.
- (g) Records of all project documentation, including any interim clearance results.
- (h) A copy of the notification of the project provided to the Department.
- (i) Copies of other documentation which is relevant to the project including, but not limited to:
 - (i) Documentation of compliance with all applicable federal, state and local regulatory requirements, and
 - (ii) Copies of any correspondence with regulatory agencies concerning the project.

I. Variances to Work Practice Requirements.

Variances to the work practice requirements may be permitted when the standard procedure is not practicable, not feasible, not safe, or when a cost saving alternative exists and the proposed variance adequately protects human health and safety and the environment from exposure to lead hazards. Variance proposals must be developed by a certified Design Consultant or a Project Supervisor and must be sent in writing to the Department with the original notification form unless unforeseeable conditions occur during the project that warrant a variance request at a later time. The written variance request must include a justification that presents clear and convincing evidence that the lead project is distinctive in some way and the proposed alternative(s) to required work practices will comply with the intent of State law and these rules. Variances require written authorization from the Department prior to implementation.

Note: When given a variance, the abatement contractor still must comply with all other applicable provisions of this rule and other state and federal rules and regulations.

- 7. Lead Inspection, Lead Determination, and Risk Assessment Requirements.** Lead inspections, lead determinations, and risk assessments shall be conducted in accordance with procedures described in this section.

A. Lead Inspections and Lead Determinations.

The objective of a lead inspection is to identify and report on the presence and condition of lead-based paint in a residential dwelling or child-occupied facility. A lead determination is a limited inspection of a residential dwelling or child-occupied facility for lead. Lead inspections and lead determinations may include sampling and analysis of dust, soil, and water. In order to determine that a residential dwelling or child-occupied facility is lead-safe in accordance with section 7.E, the lead inspection, lead determination or risk assessment must include sampling and analysis of dust, soil, and water performed in accordance with the requirements of section 7.C.

Lead inspectors shall provide appropriate DEP-approved educational materials on essential maintenance and interim controls to any client whose dwelling unit has surfaces with lead-based paint. This material may be provided at the time of the lead determination, lead inspection, or risk assessment or upon the provision of a written report on the lead determination, lead inspection, or risk assessment. If the client already has appropriate materials, this requirement is waived.

- (1) **Lead Inspection Requirements.** A lead inspection of residential dwellings and child-occupied facilities shall include testing of all testing combinations in the residential dwelling or child-occupied facility that are coated with paint, varnish, shellac, stain, or other coating, including those that have been coated and covered with wallpaper, except those known to have been replaced after 1980. Sampling for a lead inspection in residential dwellings and child-occupied facilities shall at a minimum meet the requirements of Chapter 7, "HUD Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing, 1997 Revision", which is hereby incorporated by reference.

The lead content of paint on testing combinations shall be tested by using a portable XRF. The lead inspection shall include the testing of all testing combinations in the residential dwelling or child-occupied facility. The test location(s) shall be representative of the testing combination(s), including all layers of paint, and shall be a sufficient distance from pipes or electrical outlets to avoid interference.

The number of XRF readings per testing combination shall at a minimum, meet the requirements of Chapter 7, "HUD Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing, 1997 Revision" which is hereby incorporated by reference. If acceptable test locations cannot be found for XRF testing, a paint chip sample shall be collected for laboratory analysis. Paint chip samples shall be collected for laboratory analysis from all testing combinations that test inconclusive, or the testing combination shall be assumed to be coated with lead-based paint until otherwise demonstrated. Paint chip samples shall be collected and analyzed in accordance with the requirements contained in section 7.D.

A lead inspection shall include characterization of the condition of all identified lead-based painted testing combination(s) as either in good (i.e. entirely intact), fair, or poor condition, as defined in section 1.K.

- (2) **Lead Determination Requirements.** Any lead determination shall comply with the following requirements.

The lead content of paint on the testing combination(s) being tested shall be tested by using a portable XRF and/or paint chip sampling performed in accordance with Appendix A. The Department may also approve other sampling and analytical methods if the laboratory and the analytical method used by that laboratory to analyze the sample is NLLAP accredited.

Lead determinations shall include the testing of the testing combination(s), except those known to have been replaced after 1980, at the residential dwelling or child-occupied facility. The test locations shall be representative of the testing combination(s) including all layers of paint, and be a sufficient distance from pipes or electrical outlets to avoid interference.

The number of XRF reading(s) per testing combination, shall at a minimum, meet the requirements of Chapter 7, "HUD Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing, 1997 Revision" which is hereby incorporated by reference. If acceptable test locations cannot be found for XRF testing, a paint chip sample shall be collected for laboratory analysis. Paint chip sample shall be collected for laboratory analysis from all testing combination(s) that test inconclusive, or the testing combination(s) may be assumed to be coated with lead-based paint until otherwise demonstrated. Paint chip samples shall be collected and analyzed in accordance with the requirements contained in section 7.D.

- (3) Lead Inspection and Determination Reports. The lead inspector or risk assessor shall prepare and provide to their client a report that shall include the following information:
- (a) Date of the lead inspection or lead determination.
 - (b) Address of each building.
 - (c) Date of construction of buildings (approximate, if unknown).
 - (d) Apartment number (if applicable).
 - (e) Name, address, and telephone number of each owner of each building.
 - (f) Name, signature, and Maine certification number of the certified lead inspector(s) conducting the lead inspection or lead determination.
 - (g) An explanation of how to understand the lead inspection report;
 - (h) A summary by room of all components that contain lead-based paint, including all components represented by testing combinations, any components not tested because they were replaced after 1980, and the clear identification of all lead hazards.
 - (i) Name, address, and telephone number of each laboratory conducting analysis of collected samples. Laboratories performing analyses must be accredited in accordance with the requirements of section 7.D.
 - (j) Testing method and sampling procedure for paint analysis employed.
 - (k) A brief description of the residential dwelling or child-occupied facility, and line diagrams showing the rooms, including common areas, of the residential dwelling or child-occupied facility.
 - (l) Specific locations of each painted testing combination tested for the presence of lead, including the listing of components represented by each testing combination, and the identification of lead-based paint in poor condition as a lead hazard.
 - (m) Assessment of the condition of the paint for each testing combination tested.

- (n) All data collected from on-site testing, including quality control data and the serial number of any XRF device used to perform analyses.
 - (o) All results of laboratory analysis on collected paint, soil, dust, and water samples, and identification of any lead hazards identified by these analyses.
 - (p) Any other sampling results.
 - (q) A lead-safe certificate, if applicable.
- (4) Lead Inspection Summary Reports to the Department. Within thirty days of completion of each lead inspection, the lead inspector shall submit to the Department a summary report in a form approved by the Department. These summary reports must include: the lead inspector's name, signature and Maine certification number; address of property inspected, including apartment number, if applicable; date of lead inspection; the presence or absence of lead-based paint and lead hazards; and certification of lead-safe status, as applicable.
- (5) Record-keeping requirements. Lead inspectors shall retain a copy of each lead inspection and lead determination report for a minimum of ten years at his or her principal place of business or at an archive facility approved in advance by the Department. Complete reports shall be made available to the Department upon request.

B. Risk Assessments. The objectives of a risk assessment are to identify and report on the existence, nature, severity, source, and location of lead hazards; and to identify and report on options for reducing or eliminating identified lead hazards, including interim controls or abatement measures, or both. A complete risk assessment is performed on the entire dwelling unit and all common areas; the scope of a targeted risk assessment is determined through contract.

Sampling for visual assessment and evaluation of potential lead hazards in residential dwellings or child-occupied facilities shall be conducted in accordance with the requirements of Chapter 7, "HUD Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing, 1997 Revision", which is hereby incorporated by reference.

- (1) Complete and targeted risk assessments. Complete and targeted risk assessments includes the following:
- (a) Visual assessment. The risk assessor shall perform a visual assessment of the residential dwelling or child-occupied facility, exterior building surfaces and any surrounding land belonging to the owner to identify potential lead hazards, as follows:
 - (i) If prior lead inspection reports are available, risk assessors shall consider whether the past lead inspection conformed to current standards. If the prior lead inspection is determined to be reliable and complete, the risk assessor is only required to visually assess surfaces that have been determined to contain lead-based paint. If a lead inspection has not been completed or if the risk assessor determines that the lead inspection report is or may be unreliable, a complete lead inspection shall include the testing of all painted surfaces in accordance with the requirements of section 7.A(1). Targeted risk assessment shall include the testing of all painted surfaces in poor condition in accordance with the requirements of section 7.A(1) within the area of the residence contracted for risk assessment. The risk assessor may assume that inaccessible surfaces with paint in poor condition contain lead-based paint.

- (ii) The risk assessor shall identify any chewable surfaces and any painted surfaces that are subject to friction or impact such as windows, doors, stair treads, or floors.
 - (iii) The risk assessor shall identify potential soil hazards on the property.
 - (iv) The risk assessor shall examine buildings and the work area for structural deficiencies, substrate deficiencies, and other conditions that contribute to observed paint deterioration and other potential lead hazards, such as deterioration in the roof that results in water leaks.
- (b) Evaluation of potential lead hazards. The risk assessor shall determine if the potential hazards identified during the visual assessment are lead hazards.
- (i) Painted surfaces in poor condition with lead-based paint shall be considered lead hazards.
 - (ii) Chewable, friction and impact surfaces with lead-based paint may be identified as a lead-hazard dependent upon the surface condition, location, and other relevant factors. For example, chewable surfaces that evidence children's teeth marks, friction surfaces that are subject to abrasion and where the lead dust level on the nearest horizontal surface is equal to or greater than the dust lead hazard identified in Section 7(B)(1)(b)(iii), or an impact surface with chipping or flaking lead-based paint caused by impact from an adjacent surface and where the lead dust level on the nearest horizontal surface is equal to or greater than the dust lead hazard identified in Section 7(B)(1)(b)(iii), may be lead hazards. Risk assessors may recommend that these surfaces be repaired to prevent the development of lead hazards.
 - (iii) Dust tests of all selected residential dwelling units and child-occupied facilities shall be performed in accordance with section 7.C(1) to determine if lead-contaminated dust is present. A lead hazard exists if the single surface results for any room equivalent exceeds the following quantities of lead-contaminated dust:
 - Hard floors and other horizontal surfaces - 40 ug/ft² (micrograms of lead per square foot).
 - Carpeted floors- 40 ug/ft².
 - Interior window sills - 250 ug/ft².
 - (iv) If a potential soil hazard is identified during a visual assessment of the work area, soil tests shall be performed in accordance with section 7.C(2). If the test results exceed 375 ppm in bare soil in play areas or 1000 ppm from the perimeter of the building in other than play areas, the soil in these areas shall be considered a lead hazard.
 - (v) Water shall be sampled in accordance with the requirements of section 7.C(3). If any of the test results exceed 15 ppb the water shall be considered a lead hazard.
 - (vi) The risk assessor may survey the occupants to determine whether an occupant's occupation or hobbies pose a risk that lead may be brought into the residence from these activities.
- (c) Identify acceptable lead hazard control options. Using information on existing lead hazards and the condition of the building, the risk assessor shall identify acceptable lead hazard control

methods. Lead hazard control options include abatement and interim controls. Lead abatement activities shall be conducted in accordance with the work practice requirements contained in section 6.

- (d) Risk Assessment Reports. The risk assessor shall prepare and provide to their client a report, which shall include the following information:
- (i) Date of the risk assessment.
 - (ii) Address of each building.
 - (iii) Date of construction of buildings (approximate if unknown).
 - (iv) Apartment number (if applicable).
 - (v) Name, address, and telephone number of each owner of each building.
 - (vi) Name, signature, and Maine certification number of the risk assessor conducting the risk assessment.
 - (vii) Name, address, and telephone number of each laboratory conducting analysis of collected samples. Laboratories performing analyses must be accredited in accordance with the requirements of section 7.D.
 - (viii) An explanation of how to understand the risk assessment report;
 - (ix) A summary by room of all components that contain lead-based paint, including the clear identification of all lead hazards.
 - (x) Testing method and sampling procedure for analyses employed.
 - (xi) A brief description of the residential dwelling or child-occupied facility, and line diagrams showing the rooms, including common areas, of the residential dwelling or child-occupied facility included in the risk assessment.
 - (xii) Identification of the existence, nature, severity, source, and location of all lead hazards.
 - (xiii) A description of structural and substrate condition for each identified lead-based paint hazard.
 - (xiv) Acceptable methods for control of all lead hazards identified, including interim controls and/or abatement methods.
 - (xv) All data collected from on-site testing, including quality control data and the serial number of any XRF device used to perform analyses.
 - (xvi) All results of laboratory analysis on collected paint, soil, dust, and water samples.
 - (xvii) A lead-safe certificate, if applicable.

- (e) Summary reports to the Department. Within thirty days of completion of each risk assessment, the risk assessor shall submit to the Department a summary report in a form approved by the Department. These summary reports must include: risk assessor's name, signature and Maine certification number; address of property, including apartment number if applicable; date of risk assessment; the presence or absence of lead-based paint and lead hazards; and certification of lead-safe status, as applicable.
 - (f) Record-keeping requirements. Risk assessors shall retain a copy of each risk assessment report at his or her principal place of business or at an archive facility approved in advance by the Department for a minimum of ten years. Complete reports shall be made available to the Department upon request.
- (2) Lead hazard screen. A lead hazard screen is a limited risk assessment appropriate in dwelling units in good condition where the probability of finding lead-based paint hazards is low. If dust levels for window sills exceed one half the clearance standards listed in Section 6.F(3)(c) or if the dust level for a hard or carpeted floor exceed 25 ug/ft², then a risk assessment or full lead inspection is warranted. At a minimum, a lead hazard screen includes the following:
- (a) Background information regarding the physical characteristics of the residential dwelling or child-occupied facility.
 - (b) Occupant use patterns that may cause lead-based paint exposure to children less than 6 years of age.
 - (c) A visual inspection to determine if any paint in poor condition is present and to locate at least two dust sampling locations.
 - (d) Testing for lead of each surface or testing combination with paint in poor condition.
 - (e) Two composite dust samples, one from the floors and others from the window sills in rooms, hallways or stairwells, including common areas, where any child less than 6 years of age is most likely to come in contact with lead paint dust.
 - (f) A lead-hazard screen report including all information gained during the lead hazard screen, including: a narrative describing the background information, occupant use patterns, and the visual inspection; a description of any testing combinations used; the locations from which samples were collected, including an explanation of any composite sampling; and recommendations on the need for any follow-up inspection or risk assessment and interim controls and/or lead abatement to reduce lead hazards.

C. Sampling requirements for lead in settled dust, soil, and water. Whenever a lead inspector, risk assessor, or sampling technician collects samples to determine the presence of lead in dust, soil or water, the following sample methodology shall be employed.

Note: See Appendix A for soil, settled dust and paint chip sampling protocols.

- (1) Settled Dust Sampling. Dust testing within dwelling units shall be conducted by single-surface wipe samples except that composite sampling may be performed as part of a lead hazard screen. Dust samples shall be analyzed in accordance with the requirements contained in section 7.D(2). Locations for dust wipe samples shall be selected based upon the presence of lead paint and the

potential for tracking of lead dust into the residential dwelling or child-occupied facility. If a lead inspection, lead determination or risk assessment has determined that there is no lead-based paint present in any room equivalent, dust wipe samples are not required in those room equivalents except that one dust wipe shall be taken from the floor area within three feet of each exterior entryway whenever exterior lead-based paint or lead-contaminated soil is present. It is also unnecessary to collect dust wipe samples from building component surfaces with lead-based paint in poor condition as these surfaces are already defined as lead hazards. If lead hazards are found in a room, floor dust wipe samples are also optional.

- (a) Number and location of dust samples within dwelling units. The following specific locations are recommended:
 - (i) The floor and an interior window sill of the bedroom of the youngest child six months of age or more. If there are no children living in the residential dwelling or child-occupied facility or if the residential dwelling or child-occupied facility is vacant, the samples shall be collected from the room that would likely be used as the bedroom of the youngest child six months of age or more.
 - (ii) The floor and an interior window sill of the principal play area of the youngest child six months of age or more other than his or her bedroom. If there are no children living in the residential dwelling or child-occupied facility or if the residential dwelling or child-occupied facility is vacant, the samples shall be collected from the room that would likely be used as the play room of the youngest child six months of age or more. If there is no window in the sampled play room, a sample shall be collected from the interior window sill of another room that would likely be frequented by the youngest child six months of age or more.
 - (iii) The floor of the principal entryway. If the principal entryway is not distinguishable from the sampled play area or the sampled bedroom, the sample shall be collected from the floor of another high-traffic area (such as the living room, family room, TV room, dining area, or kitchen) that is distinguishable from the sampled play room or the sampled bedroom.
 - (iv) An interior window sill sample from the kitchen. If there is no window in the kitchen, the sample shall be collected from an interior window sill in the dining area or another room likely to be frequented by the youngest child six months of age or more.
 - (v) At least one additional representative sample may also be collected from horizontal surfaces such as heating components and shelving, as applicable.
- (b) If collecting dust samples in common areas, dust samples shall be collected from the following locations:
 - (i) In multi-family buildings of four stories or less, one sample from the entry area floor and one from the floor of the first landing of a common stairway or from the first floor hallway. If there is a hallway window that is frequently used, the risk assessor shall collect a sample from the interior window sill and substitute this sample for the floor sample from the first landing or hallway.
 - (ii) In community buildings, day care centers, or other buildings, which are frequented by children and are in the same complex as the residential dwelling, dust sampling shall be completed in accordance with the following:

- a. For spaces up to 2000 square feet, collect two dust samples from widely separated locations in high traffic areas used by or accessible to children, and one dust sample from an interior window sill.
 - b. For spaces over 2000 square feet, collect one additional floor sample for each increment of 2000 square feet, and one additional sample of an interior window sill for each additional increment of 2000 square feet.
 - c. In the building's management office, one dust sample shall be collected from the floor of the resident waiting area; two dust samples shall be collected if the area is more than 400 square feet.
- (c) If conducting dust sampling on floors and interior window sills, specific dust sampling locations shall be selected as follows:
- (i) Floors: Select hard floor surfaces that are reasonably accessible. If hard floor surfaces are not available, select carpeted surfaces. If there are friction or impact surfaces in the room select a floor location near the friction or impact surface that is most likely to be generating lead contaminated dust. If there are no friction or impact surfaces but there is visible floor dust, select one or more dusty locations accessible to children 6 months to 6 years of age. If none of these conditions are present, select the highest traffic area in the room.
 - (ii) Interior window sills: Select windows that are frequently opened especially those most frequently contacted by children. If children's use patterns are unknown, select windows that have friction surfaces. If none of these conditions are present, select randomly.
 - (iii) Common areas: Select floor locations in a high traffic area and window sill locations at windows that are frequently operated.
- (d) If conducting composite sampling as part of a lead hazard screen, the risk assessor shall conduct the sampling in accordance with the requirements of Section II.B.2 of Chapter 5 of the "HUD Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing, June 1995", which is hereby incorporated by reference, and Appendix A of this Rule.
- (2) Soil sampling. Soil testing shall be conducted on bare soil in the yard. Except for play areas and the foundation dripline, sampling is not required unless other bare soil areas total more than 9 square feet. Soil samples shall be analyzed in accordance with the requirements contained in section 7.D(2).
- (a) Selecting areas to sample. At a minimum: one composite sample shall be collected from each of the child's principal play areas, one composite sample from any area of bare soil that appears likely to pose a risk, as applicable; and one composite sample from along the foundation drip line.
 - (b) Sampling procedures. The following procedures shall be used to collect the soil samples:
 - (i) Each sample shall consist of equal soil subsamples taken in accordance with the soil sampling protocol delineated in section 3.C of Appendix A.

- (ii) The foundation drip line subsamples may be combined into a single composite sample, and subsamples from the principal play area may be composited as a single sample.
- (iii) If paint chips are present in the soil they shall be included as part of the soil sample.
- (3) Water sampling. Water samples shall be analyzed in accordance with the requirements contained in section 7.D(2). Identify the tap(s) which serve as the major source(s) of drinking and cooking water in the residential dwelling or child-occupied facility. Collect a first-draw and flushed sample in accordance with the following procedure.
 - (a) First-Draw Samples. Collect a water sample from the cold water tap(s) after there has been no water used for at least six hours. The water sample(s) should contain the first drops of water as the faucet is turned on and continue until the sample container is filled.
 - (b) Flushed Samples. Collect a water sample from the same cold water tap(s) as the first-draw samples. Allow the water to run for five (5) minutes after collecting the first-draw samples before filling the sample container to be identified as the flushed sample.

D. Sample Analysis. All laboratories performing analyses of lead in paint, dust, soil and water under this chapter shall be accredited by the U.S. Environmental Protection Agency's National Lead Laboratory Accreditation Program (NLLAP) and certified for environmental lead analysis in accordance with the Maine Department of Human Services Chapter 263, "Maine Comprehensive and Limited Environmental Laboratory Certification Rules". Paint, dust, and soil samples must be analyzed in accordance with the requirements of the Environmental Lead Proficiency Analytical Testing Program (ELPAT). Analysis of lead in water must be performed by a laboratory certified by the Maine Department of Human Services to analyze for lead in drinking water.

- (1) Paint analysis. An XRF shall be used to test the lead concentration of a painted surface, unless the surface is not suitable for this method of analysis. The use of an XRF analyzer to test a painted surface shall be performed in accordance with the following:
 - (a) Instrument Calibration. A separate calibration log shall be maintained for each XRF instrument, and the results of all checks/calibrations shall be recorded in the log.
 - (i) The calibration of each XRF instrument used shall be verified against the manufacturer's standards and in accordance with the manufacturer's recommended calibration and with the requirements of Chapter 7, "HUD Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing", 1997 revision.
 - (ii) If the XRF instrument does not produce readings within the manufacturer's specified tolerance as described in the manufacturer's calibration procedure, the instrument shall be removed from use until such time as the unit has been demonstrated to be operating within the manufacturer's specified tolerance.
 - (iii) The XRF shall be operated in conformance with the instrument's Performance Characteristic Sheet developed by the U.S. EPA and HUD.
 - (iv) The XRF shall otherwise be operated according to manufacturer's instructions.
 - (b) Special Requirements Applicable to XRF Instruments. The following requirements shall apply when field measurement by XRF is used:

- (i) The user shall have a currently valid radioactive materials license for the XRF instrument used, in accordance with the State of Maine Rules Relating to Radiation Protection (10-144A CMR 220, effective October 1, 1994). Any user operating under a radioactive materials license issued by another jurisdiction shall be in compliance with the reciprocity provisions of Part C.23 of the Rules Relating to Radiation Protection (10-144A CMR 220); and
 - (ii) The user(s) shall comply with all applicable provisions of his or her radioactive materials license and the Rules Relating to Radiation Protection (10-144A CMR 220).
- (2) Dust, soil, and water analyses. All analyses for lead in dust, soil, and water shall be conducted in accordance with EPA-approved methods.

E. Lead-Safe Evaluations.

- (1) A residential dwelling or child-occupied facility may be certified as lead-safe provided that a lead inspector or risk assessor has determined that no lead hazards exist. The lead inspector or risk assessor shall provide the owner a lead-safe certificate for each applicable residential dwelling or child-occupied facility. The lead-safe certificate shall at a minimum include the information contained in the body of the sample lead-safe certificate, included as Appendix B of this rule.
- (2) In order to maintain a lead-safe status the residential dwelling or child-occupied facility must comply with the following requirements.
 - (a) For units that have been identified as having no lead hazards and no lead-based paint, no re-evaluation is necessary.
 - (b) For all other units, a lead inspector or risk assessor shall perform a re-evaluation six months after the initial application and annually thereafter, whenever occupancy changes if an essential maintenance practices plan is not implemented, and immediately after the occurrence of renovation and remodeling activities and unexpected events which could cause deterioration of the painted surface (e.g. water damage) if essential maintenance practices are not implemented. Based on the results of three consecutive positive re-evaluations in which it is determined that the owner is maintaining the residential unit and common areas as lead-safe, the lead inspector or risk assessor may decrease the frequency of re-evaluations to bi-annual.

A re-evaluation to determine lead-safe status is a modified lead inspection or risk assessment consisting of a visual assessment of painted surfaces and prior lead hazard control or abatement work, limited dust and soil sampling, and the review of an implemented Essential Maintenance Program in accordance with section 7.E(6) below. To establish the lead-safe status of multi-family residential dwelling or child-occupied facilities containing greater than 5 units, the number of dwelling units and components selected for reevaluation shall be consistent with the requirements contained in Chapter 7 of the "HUD Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing, 1997 revision" which is hereby incorporated by reference.

Reevaluations shall identify:

- (i) Paint surfaces in fair or poor condition with known or suspected lead-based paint;
- (ii) Disruption of surfaces with lead-based paint by renovation and remodeling activities;

- (iii) Deteriorated or failed interim controls of lead hazards or encapsulation or enclosure treatments;
 - (iv) Lead-contaminated dust;
 - (v) New bare soil with lead levels above applicable standards.
- (3) Reevaluations shall be performed in accordance with the following requirements:
- (a) A lead inspector or risk assessor shall perform a visual assessment to identify any deteriorated lead-based paint, any failures of lead hazard control or abatement activities, or any other lead hazards, as follows:
 - (i) The lead inspector or risk assessor shall review any past lead inspection report, risk assessment report, clearance information, reevaluation reports, the essential maintenance program and any other information describing the hazard control or abatement activities in use.
 - (ii) A careful visual assessment of all lead hazard control or abatement activities and any known or suspected lead-based paint shall then be conducted to determine whether the paint is still intact and the hazard control or abatement activities are well maintained.
 - (iii) The visual assessment of the work area shall identify any new areas of bare soil, as well as check for any failures of lead hazard control or abatement activities performed for previously contaminated soil.
 - (b) For paint surfaces in poor condition identified during the visual assessment for which reliable information about lead content is unavailable, the lead inspector or risk assessor shall measure the lead content by XRF or paint chip laboratory analysis performed in accordance with the requirements of sections 7.A and 7.D. If the owner, lead inspector or risk assessor assumes that inaccessible surfaces with paint in poor condition contain lead-based paint, analysis of the paint's lead content is not required.
 - (c) Upon completion of the visual assessment, if all lead hazard control or abatement activities are in place and no lead-based paint in poor condition is present, the lead inspector or risk assessor shall begin dust sampling. If any lead hazard control or abatement activities are not in place or lead-based paint in poor condition is present, the hazards shall be controlled before any dust sampling occurs.
 - (d) Dust sampling of dwelling units and common areas shall be performed as follows:
 - (i) If the residential dwelling or child-occupied facility contains both carpeted and uncarpeted living areas, separate floor samples are required from the carpeted and uncarpeted areas.
 - (ii) Dust samples shall be collected from locations selected in accordance with section 7.C(1).
 - (iii) If a residential dwelling or child-occupied facility is found to contain lead levels that exceed the standards in section 6.F(3)(c), that residential dwellings or child-occupied facility shall be cleaned in accordance with the requirements of section 6.F(3)(c).

- (e) Soil testing shall be performed as part of a reevaluation if new areas of bare soil are identified during the visual assessment. Soil samples shall be collected from locations selected in accordance with section 7.C(2).
- (4) Reporting. Following reevaluation, the lead inspector or risk assessor shall prepare and provide to the client a written report documenting the presence or absence of lead hazards. The report shall:
 - (a) Describe any new hazards.
 - (b) Identify the date by which the next reevaluation must occur in order to maintain a lead-safe certificate, if applicable. If ownership of the property is transferred, a new reevaluation schedule must be initiated.
 - (c) Review the Essential Maintenance Program, and recommend changes as needed.

Risk assessors may also provide the client with recommendations on appropriate interim controls or abatement methods.

- (5) Lead-safe certificate report. When all required reevaluations are completed and any new identified hazards successfully controlled or abated, the residential dwelling or child-occupied facility may be certified as lead-safe. The lead inspector or risk assessor shall prepare and submit to the client a report with the following information whenever a residential dwelling or child occupied facility is certified as lead-safe:
 - (a) Date of the lead-safe evaluation.
 - (b) Address of each building.
 - (c) Date of construction of buildings (approximate if unknown).
 - (d) Apartment number (if applicable).
 - (e) Name, address, and telephone number of each owner of each building.
 - (f) Name, signature, and Maine certification number of the lead inspector(s) or risk assessor(s) conducting the lead inspection or risk assessment.
 - (g) Name, address, and telephone number of each laboratory conducting analysis of collected samples. Laboratories performing analyses must be accredited in accordance with the requirements of section 7.D.
 - (h) Testing method and sampling procedure for paint analysis employed.
 - (i) A brief description of the residential dwelling or child-occupied facility, and line diagrams showing the rooms, including common areas, of the residential dwelling or child-occupied facility.
 - (j) Specific locations of each painted testing combination tested for the presence of lead.
 - (k) All data collected from on-site testing, including quality control data and the serial number of any XRF device used to perform analyses.

- (l) All results of laboratory analysis on collected paint, soil, dust, and water samples.
- (m) Any other sampling results.
- (n) The identification of any components on which lead-based paint was previously detected that no longer have lead-based paint due to abatement activities, renovation and remodeling activities, or the implementation of essential maintenance practices.
- (o) A lead-safe certificate.

A lead-safe report may be prepared utilizing information that remains valid on the residential dwelling or child-occupied facility from any previous lead inspections, risk assessments, or lead-safe evaluations.

- (6) Essential Maintenance Program. For all units with identified lead-based paint the following essential maintenance program components, as applicable, may be developed by a lead inspector or risk assessor. The essential maintenance program shall be reviewed by the lead inspector or risk assessor as part of each reevaluation in order to certify that a residential dwelling or child-occupied facility is lead-safe.
 - (a) Develop and maintain a list of all suspected and known lead-based painted surfaces.
 - (b) Provide lead awareness training to individuals who will be responsible for performing essential maintenance practices.
 - (c) Designate those individuals permitted to work on lead-based painted surfaces, and train them in safe work practices and OSHA requirements, including the implementation of respiratory and medical surveillance programs.
 - (d) Classify the lead-based paint maintenance activities that may be performed as part of the essential maintenance program.
 - (e) Develop and implement an in-house work order review system to determine whether any maintenance activity will disturb lead-based paint, and therefore require that it be performed by appropriately-trained individuals.
 - (f) Document each lead-based paint maintenance activity, including the location and action(s) performed.
 - (g) Educate the resident(s) concerning the location of the lead-based paint in their dwelling, and how to report deteriorating paint to the owner.

Note: Property owners may review with the tenants the types of activities that can disturb lead-based paint and create lead hazards. These activities include such things as: open-flame burning, renovation and remodeling activities, and dry scraping or sanding of lead-based paint.

- 8. Licensure of Lead Training Providers and Accreditation of Training Courses.** Lead training providers must be licensed to offer accredited lead training courses in the State of Maine. A training course, used by

an individual to fulfill certification requirements (including renewals), must be approved by the Department. Individuals are responsible for ensuring that a training course is approved by the Department before taking the course. Instructors cannot initially self-certify as a lead professional by both instructing and attending the same initial training course. Instructors may both instruct and attend a refresher course to re-certify as a lead professional.

A. Licensure of Lead Training Providers. To obtain a license as a lead training provider or to renew an existing lead training provider license, a business entity must submit a complete application to the Department on a form approved by the Department. The application must demonstrate that the training provider meets all applicable standards and must include the following:

- (1) The name, address, telephone number and license number of the applicant, including any other name under which the applicant is known;
- (2) The name, background, education, training and experience of the employee of the applicant who is the training manager responsible for the development and administration of training courses. This must include proof that the training manager has a post-secondary degree in adult education, or has successfully completed a 40-hour "Train the Trainer" course that is approved by the Department, or has at least two full years experience teaching adult learners;
- (3) The name, background, education, training and experience of the persons who the lead training provider plans to use as instructors. This shall include the designation of a qualified principal instructor and evidence that this principal instructor has:
 - (a) Demonstrated experience, education, or training in teaching adults;
 - (b) Successfully completed at least 16 hours of DEP-approved lead training; and
 - (c) Demonstrated experience, education, or training in lead or asbestos abatement, painting, carpentry, renovation, remodeling, occupational safety and health, or industrial hygiene.
- (4) The location of and a description of the classroom and "hands-on" facilities normally used by the lead training provider. The hands-on facilities must ensure direct contact with actual situations encountered in the field of study.
- (5) A sample of the uniquely numbered certificate to be issued and mailed to training course students by the lead training provider upon successful completion of a course. This certificate must include:
 - (a) The name and social security number or date of birth of the student;
 - (b) The name of the training course completed;
 - (c) The dates of the training course;
 - (d) The date of the final examination;
 - (e) The date of the training expiration;
 - (f) A statement that the student passed the course;
 - (g) The name, address, and telephone number of the lead training provider;

- (6) A statement by the lead training provider certifying that:
 - (a) The training program meets the accreditation requirements established in sections 8.B, 8.C and 8.D, and will be implemented in accordance with sections 8.E, 8.F and 8.G.
 - (b) The training manager has developed and will implement a quality control plan to maintain and improve the quality of the training program over time, including, but not limited to, procedures for periodic revision of training materials to reflect innovations in the field, procedures for the training manager to periodically review the principal instructor's competency; and evidence that any deficiencies noted by the Department as part of any course audit have been corrected.
 - (c) The lead training provider will allow the Department to audit any and all aspects of each course offered by the lead training provider.
- (7) The appropriate license fee as listed in section 2.I.

B. Accreditation of training courses. All lead training courses offered in the State of Maine must be accredited and must be offered by a licensed lead training provider. The lead training provider must submit an application for accreditation of a training course to the Department at least 30 days prior to the scheduled training course date. Initial and refresher training courses must be separate and distinct to be approved. Departmental accreditation of a training course expires after one year. The training provider must notify the Department at least 7 days prior to offering each course, unless otherwise approved by the Department so that the Department can schedule audits.

An application for accreditation of a training course must be on forms provided by the Department and must include the following:

- (1) The name, address, telephone number and license number of the lead training provider conducting the training course, including any other name under which the training provider is known;
- (2) The name of the training course for which approval is sought;
- (3) A course outline detailing specific topics to be covered in the training course along with the estimated amount of time allotted to each topic. The training course curriculum for each training course approved under this section must at a minimum meet the content requirements outlined in section 8.D below;
- (4) A copy of the training course manual along with all printed material to be distributed to the training course participants;
- (5) A description of the teaching methods to be utilized, including but not limited to a description of audio/visual aids;
- (6) If different than the facilities approved as described in the lead training provider's license application, the location of and a description of the classroom and "hands-on" facilities. The hands-on facilities must provide opportunity for direct contact with actual situations encountered in the field of study;
- (7) A statement that under no circumstances will the student to instructor ratio for hands-on portions of the training course be greater than 10 to 1;

- (8) A description of the equipment that will be utilized in classroom lectures and in hands-on training;
- (9) For refresher courses, a copy of the final course examination;
- (10) A description of the hands-on skills proficiency assessment to be given during the training course , if applicable;
- (11) Other information necessary for the Department to determine the adequacy of the training course content and presentation; and
- (12) Any other state or jurisdiction under which the course may be approved.

C. Renewal of Training Course Accreditation. In order to renew an existing lead training course accreditation, the training provider must submit a complete application to the Department on a form approved by the Department. This application must include the following:

- (1) The name, address, telephone number and license number of the lead training provider conducting the training course, including any other name under which the training provider is known.
- (2) The name of the training course for which renewal of accreditation is sought.
- (3) Submission of any proposed changes in the course content or curriculum, including new instructors and new or revised course handouts; and
- (4) Evidence that any changes suggested by the Department as a result of a course audit have been incorporated into the lead training course.

D. Required Course Content.

- (1) Course length.
 - (a) Lead Abatement Worker: 24 hours, including minimum 8 hours hands-on
 - (b) Project Supervisor: 32 hours, including minimum 8 hours hands-on
 - (c) Sampling technician: 6 hours, including minimum 90 minutes hands-on.
 - (d) Lead Inspector: 32 hours, including minimum 8 hours hands-on
 - (e) Risk Assessor: 16 hours, including minimum 4 hours hands-on
 - (f) Design Consultant: 16 hours
 - (g) Lead Smart Renovator: 8 hours
- (2) Course content.
 - (a) All courses must cover: the OSHA Standard for Lead in Construction (29 CFR 1926.62, effective May 4, 1993); personal protective equipment and hygiene practices; and State of Maine statutes and rules related to lead-based paint activities, including certification

requirements, with an emphasis on specific sections of the rules relating to the discipline being taught.

(b) Courses relating to the specific disciplines must also include modules as follows:

- (i) Lead abatement worker and project supervisor courses: background information on lead and its adverse health effects; waste handling and disposal; air and dust sampling; and clearance standards.
- (ii) Project supervisor course: occupant protection planning; supervisor responsibilities; contractor liability; and report preparation.
- (iii) Sampling technician course: background information on lead and its adverse health effects; visual assessment; dust, soil and water sampling protocols; clearance standards; clearance report preparation.
- (iv) Lead inspector course: background information on lead and its adverse health effects; identification of lead hazards; professional ethics and liability issues; basic radiation safety; essential maintenance practices, and report preparation.
- (v) Risk assessor course: risk assessment and risk management, including abatement and interim control methods; substrate and structural integrity assessment; paint compatibility; and essential maintenance practices.
- (vi) Design consultant course: basic requirements of lead inspections and risk assessments; interpretation of lead inspection and risk assessment reports; abatement design; occupant protection planning; waste handling and disposal; essential maintenance practices, and report preparation.
- (vii) Lead-smart renovator course: background information on lead and its adverse health effects; occupant protection planning; basic lead safe work practices for interim controls; waste handling and disposal; dust sampling and clearance standards.

E. Required Attendance. Successful completion of a training course requires a student to attend no less than 90% of the course's time. Training Provider will maintain their own course sign in/sign out log sheet. Each student each day shall log the time when he/she arrives in the morning, departs for lunch break, returns from lunch break and departs at the end of the training day.

F. Examinations.

- (1) General Requirements. Final examinations are required for all training courses, and hands-on skills proficiency assessments are required for all initial training courses except the design consultant course. Successful completion of a final examination requires an applicant to achieve a score of 70% or higher on the final examination. Applicants must also demonstrate proficiency in the hands-on skills, as applicable.
- (2) Initial Course Examination and Security Procedures. Initial training courses require a final Maine Lead Services Examination, which shall be provided by the Department with accompanying security procedures to protect the integrity of the examination as set forth below.

- (a) Upon accreditation of a training course, the Department will provide to the lead training provider a matrix describing the topics on the examination.
 - (b) The lead training provider must notify the Department of a scheduled training course and must request an examination package no later than 14 calendar days prior to the date of the scheduled training course class. The Department will provide the examination package to the training provider at least 24 hours prior to the examination date or will administer the exam.
 - (c) The examination package will include three (3) items which must be returned to the Department properly completed:
 - (i) Department security statement form;
 - (ii) Examinations for course participants; and
 - (iii) Return sealable envelope for examinations.
 - (d) The lead training provider must distribute all examinations sent by the Department to the students and shall not reproduce or review the examinations in any way. All unused examinations must be returned to the Department with the materials set forth in subparagraph (e) below.
 - (e) After giving the examination to students, the lead training provider must:
 - (i) Sign the Department security form in the presence of the last student to hand in his or her examination;
 - (ii) Have the last student to hand in his or her examination sign the Department security form; and
 - (iii) Collect all examinations, seal them in the return envelope provided by the Department, and return or mail the exams to the Department by certified mail the next available work day.
 - (f) The Department will grade the examinations and return the results within five (5) working days of the receipt of such materials.
- (3) Examination retakes. Lead training providers shall offer retakes of the Maine Lead Services Examination or other course examination to course participants, and shall follow the security procedures listed above to obtain and administer the exams.
- (4) The Training Provider will communicate the course results to the Department within 5 working days of receipt of the graded exams from the DEP for initial training courses, or within 5 working days of completion of refresher training courses. The course results must include the type of course, the names, social security numbers or date of birth, and exam scores of all participants.

G. Recordkeeping Requirements. A lead training provider must maintain student records for a period of 2 calendar years and make such records available to the Department within 72 hours of request.

H. Non-accredited training from other jurisdictions. Lead training providers or individuals seeking certification or licensing in Maine by use of training from another jurisdiction that is not accredited by the Department may submit documentation to the Department affirming that the training received by the

applicant was at least as stringent as the training course requirements of this section. The Department may request any additional information in order to determine the adequacy of the training courses. It is the responsibility of the individual seeking certification or the business entity seeking licensing as a lead training provider to provide the information requested under this section. If the Department determines that the training from another jurisdiction is at least as stringent as the lead training course requirements of this section, it may approve the use of such training as a basis for certification or licensing.

- I. Course Notification to Department.** Training providers must notify the Department in writing of lead training courses conducted pursuant to this rule within the geographic boundaries of the State of Maine, on forms approved by the Department and at least 10 calendar days prior to the start date of the course. A training provider may seek to offer a course to be offered in less than 10 calendar days after notification provided that the training provider demonstrates that reasonable planning and foresight could not have predicted time and date limitations, and that starting the course in less than ten days after notification is the only available option. The notification must include the location of the course offering, and if other than the business location of the training provider, sufficient information to demonstrate that the new location is adequate for the training and learning purposes of the course. The Department shall not approve a course unless the notice required under this section has been properly filed. The training provider shall notify the Department via facsimile or phone of the cancellation of any course as soon as possible but no later than 7:00 a.m. the day of the course. A training provider may notify the Department later than 7:00 am provided that the training provider demonstrate that reasonable planning and foresight could not have predicted the unforeseen circumstances occurring that day that led to the cancellation of a course.
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STATUTORY AUTHORITY: 38 MRSA Section 1295

EFFECTIVE DATE:

April 13, 1998

EFFECTIVE DATE OF AMENDMENT:

January 10, 2000

EFFECTIVE DATE OF SECOND AMENDMENT:

April 11, 2001

EFFECTIVE DATE OF THIRD AMENDMENT:

December 11, 2004, filing 2004-565

NON-SUBSTANTIVE CORRECTION:

March 14, 2005 – corrected citations in Section 7(B)(1)(b)(ii)

Appendix A SAMPLING PROTOCOLS

- 1. Wipe Sampling for Settled Lead-Contaminated Dust.** Wipe samples for settled leaded dust can be collected from floors (both carpeted and uncarpeted), interior and sash/sill contact areas, and other reasonably smooth surfaces. Wherever possible, hard surfaces should be sampled. Wipe media should be sufficiently durable so that it is not easily torn, but can be easily digested in the laboratory. Recovery rates of between 80-120% of the true value should be obtained for all media used for wipe sampling. Blank media should contain no more than 25 ug/wipe (the detection limit using Flame Atomic Absorption). Additional standards for wipe sampling can be found by consulting ASTM E1728-95.

A. Wipe Sampling Materials and Supplies.

- (1) Type of disposable wipe: Any wipe material that meets the following criteria may be used:

- Contains low background lead levels,
- Is a single thickness,
- Is durable and does not tear easily (do not use Whatman™ filters),
- Does not contain aloe,
- Can be digested in the laboratory,
- Has been shown to yield 80-120% recovery rates from samples spiked with leaded dust (not lead in solution), and
- Must remain moist during the wipe sampling process (wipes containing alcohol may be used as long as they do not dry out).

Note: Examples of acceptable wipe media include: “Little Ones Baby Wash Cloths™,” “Little Ones Baby Wipes Natural Formula™,” or “Little Ones Baby Wipes Lightly Scented™,”. This product is also available under the brand names “Pure and Gentle Baby Wipes™,” and “Fame Baby Wipes™.” Individually-packaged “Wash’n Dri Wipes™” are also acceptable. “Wet Wipes™” may also be used. Other brands are also acceptable if equivalence in both lead contamination (analysis of blanks) and laboratory digestion recoveries (analysis of wipes spiked with known amounts of leaded dust, not lead in solution) can be established. The wipes listed above have proven to be sufficiently durable under field use and to have acceptable recovery rates. Do not use “Little Ones Diaper Wipes,™” or any other brand of wipes for which recovery data have not been established. Do not use wipes that contain aloe. Wipes that contain alcohol may be used as long as they do not dry out during the wipe process.

- (2) Non-sterilized non-powdered disposable gloves. Disposable gloves are required to prevent cross-sample contamination from hands.
- (3) Non-sterilized polyethylene centrifuge tubes (50 ml size) or equivalent hard-shell container that can be rinsed quantitatively in the laboratory.
- (4) Dust sample collection forms.
- (5) Camera & film to document exact locations (Optional).

- (6) Template Options. Masking tape or hard, smooth, reusable templates may be used to define the area to be wiped. Periodic wipe samples should be taken from the templates to determine if the template is contaminated. Disposal templates are also permitted so long as they are not used for more than a single surface. Templates must be larger than 0.1ft², but smaller than 2ft². Templates for floors are typically 1ft². Templates are usually not used for windows due to the variability in size and shape (use masking tape instead).

Note: Masking tape may damage the painted surface.

- (7) Container labels or permanent marker.
- (8) Trash bag or other receptacle (do not use pockets or trash containers at the residence).
- (9) Rack, bag, or box to carry tubes (optional).
- (10) Measuring tape.
- (11) Disposable shoe coverings (optional).

B. Single Surface Wipe Sampling Procedure

- (1) Outline Wipe Area:

Floors: Identify the area to be wiped. Do not walk on or touch the surface to be sampled (the wipe area). Apply masking tape to perimeter of the wipe area to form a square or rectangle of about one square foot. No measurement is required at this time. The tape should be positioned in a straight line and corners should be nominally perpendicular. When putting down any template, do not touch the interior wipe area.

Window sills and other rectangular surfaces: Identify the area to be wiped. Do not touch the wipe area. Apply two strips of masking tape across the sill to define a wipe area at least 0.1 square foot in size (approx. 4 inches x 4 inches).

- (2) Preliminary inspection of the disposable wipes. Inspect the wipes to determine if they are moist. If they have dried out, do not use them. When using a container that dispenses wipes through a “pop-up” lid, the first wipe in the dispenser at the beginning of the day should be thrown away. The first wipe may be contaminated by the lid and is likely to have dried to some extent. Rotate the container prior to each use to ensure liquid inside the container contacts the wipes.
- (3) Gloves. Don a disposable glove on one hand; use a new glove for each sample collected. If two hands are necessary to handle the sample, use new gloves, one for each hand. It is not necessary to wipe the gloved hand before sampling.
- (4) Collection of sample. Place the wipe at one corner of the surface to be wiped with wipe fully opened and flat on the surface. For square sample areas, complete a first wipe pass side-to-side as follows. With the fingers together, grasp the wipe between the thumb and the palm. Press down firmly, but not excessively with both the palm and fingers (Do not use only the fingertips or the heel of the hand to hold down the wipe, because there will not be complete contact with the surface and some dust may be missed.) Do not touch the surface with the thumb. Proceed to wipe side-to-side with as many “S”-like motions as are necessary to completely cover the entire wipe area. Exerting

excessive pressure on the wipe will cause it to curl. Exerting too little pressure will result in poor collection of dust. Attempt to remove all visible dust from the wipe area.

Next, fold the wipe in half with the contaminated side facing inward. (The wipe can be straightened out by laying it on the wipe area, contaminated side up, and folding it over.) Once folded, place in the top corner of the wipe area and press down firmly with the palm and fingers. Complete a second wipe pass moving from top-to-bottom and wiping the area with “S”-like motions. Attempt to remove all visible dust. Do not touch the contaminated side of the wipe with the hand or fingers. Do not shake the wipe in an attempt to straighten it out, since dust may be lost during shaking.

For rectangular sample areas two side-to-side passes must be made over half of this surface, the second pass with the wipe folded so that the contaminated side faces inward. For a window sill, do not attempt to wipe the irregular edges presented by the contour of the window channel. Avoid touching other portions of the window with the wipe. If there are paint chips or gross debris in the window sill, attempt to include as much of it as possible on the wipe. If all of the material cannot be picked up with one wipe, field personnel may use a second wipe at their discretion and insert it in the same container. Consult with the analytical laboratory to determine if they can perform analysis of two wipes as a single sample. When performing single-surface sampling, do not use more than two single surface wipes for each container. If heavily dust-laden, a smaller area should be wiped. It is not necessary to wipe the entire window well but do not wipe less than 0.10 ft² (approx. 4” x 4”).

- (5) Packaging the Wipe. After wiping, fold the wipe with the contaminated side facing inward again, and insert aseptically (without touching anything else) into the centrifuge tube or other hard-shelled container. If gross debris is present, such as paint chips in a window well, make every attempt to include as much of the debris as possible in the wipe.

Seal the tube and label with the appropriate identifier. Record the laboratory submittal sample number on the field sampling form.

- (6) Area Measurement. After sampling, measure the surface area wiped to the nearest eighth of an inch using a tape measure or a ruler. The size of the area wiped must be at least 0.10 ft² in order to obtain an adequate limit of quantitation. No more than 2 square feet should be wiped with the same wipe or else the wipe may fall apart. Record specific measurements for each area wiped on the field sampling form.
- (7) Form completion. Fill out the appropriate field sampling forms completely. Collect and maintain any field notes regarding type of wipe used, lot number, collection protocol, etc.
- (8) Trash Disposal. After sampling, remove the masking tape and throw it away in a trash bag. Remove the glove; put all contaminated gloves and sampling debris used for the sampling period into a trash bag. Remove the trash bag when leaving the dwelling. Do not throw away gloves or wipes inside the dwelling unit where they could be accessible to young children, resulting in a suffocation hazard.

Repeat steps 1 through 11 for additional samples in the same dwelling unit.

See “Residential Sampling for Lead: Protocols for Leaded Dust and Soil Sampling” from EPA and ASTM E1728-95 for further information.

C. Composite Wipe Sampling

Whenever composite sampling is contemplated, consult with the analytical laboratory to determine if the laboratory is capable of analyzing composite samples. When conducting composite wipe sampling, the procedure stated above for single wipe sampling should be used with the following modifications: When outlining the wipe areas (step 1), set up all of the areas to be wiped before sampling. The size of these areas should be roughly equivalent, so that one room is not over-sampled. After preparing the centrifuge tube, put on the glove(s) and complete the wiping procedures for all subsamples (steps 4-5). A separate wipe must be used for each area sampled. After wiping each area, carefully insert the wipe sample into the same centrifuge tube (no more than 4 wipes per tube). Once all subsamples are in the tube, label the tube. Record a separate measurement for each area that is subsampled on the field collection form. Finally, complete trash disposal, making sure that no masking tape is left behind. Risk assessors, inspectors, and sampling technicians do not have to remove their gloves between subsample wipes for the same composite sample as long as their gloved hands do not touch an area outside of the wipe areas. If a glove is contaminated, the glove should be immediately replaced with a clean glove.

In addition to these procedural modifications, the following rules for compositing should be observed:

- Separate composite samples are required from carpeted and hard surfaces (*e.g.*, a single composite sample should not be collected from both carpeted and bare floors).
- Separate composite samples are required from each different component sampled (*e.g.*, a composite sample should not be collected from both floors and window sills).
- Separate composite samples are required for each dwelling

D. Blank Preparation. After sampling the final dwelling unit of the day, but before decontamination, field blank samples should be obtained. Analysis of the field blank samples determines if the sample media is contaminated. Each field blank should be labeled with a unique identifier similar to the others but that identifies the sample as a field blank.

Blank wipes are collected by removing a wipe from the container with a new glove, shaking the wipe open, refolding as it occurs during the actual sampling procedure, and then inserting it into the centrifuge tube without touching any surface or other object. One blank wipe is collected for each dwelling unit sampled or, if more than one dwelling unit is sampled per day, one blank for every 50 field samples, whichever is less. Also, collect one blank for every lot used. Record the lot number.

E. Lead Inspector Decontamination. After sampling, wash hands thoroughly with plenty of soap and water. A bathroom in the dwelling unit may be used for this purpose, with the owner's or resident's permission. If there is not running water in the dwelling unit, use wet wipes to clean the hands. During sampling, lead inspectors and risk assessors must not eat, drink, smoke, or otherwise cause hand to mouth contact.

2. Paint Chip Sampling. Dust sampling must always be done **before** paint chip sampling in order to minimize the prospect of cross-sample contamination. Paint chip sampling is a destructive method that may release a small quantity of lead dust. Although paint chip samples are to be collected from inconspicuous areas, the occupant must always be notified that paint chip sampling may be necessary.

A. Paint Chip Sampling Tools and Materials.

- (1) Sharp stainless steel paint scraper.
- (2) Disposable wipes for cleaning paint scraper.
- (3) Non-sterilized non-powdered disposable gloves.
- (4) Hard-shelled containers (such as non-sterilized 50-mil polypropylene centrifuge tubes) that can be rinsed quantitatively for paint chip samples if results are to be reported in mg/cm^2 . Sealed baggies can be used only if results are to be reported in ug/g or percent by weight.
- (5) Collection device (clean creased piece of paper or cleanable tray).
- (6) Field sampling and laboratory submittal forms.
- (7) Tape measure or ruler (if results are reported in mg/cm^2).
- (8) Ladder.
- (9) Plastic trash bags.
- (10) Flashlight.
- (11) Masking tape.
- (12) Heat Gun or other heat source operating below 1100°F to soften the paint before removal.

B. Containment.

- (1) Method One: Plastic Sheeting Underneath Sampling Area. A clean sheet of plastic measuring four feet by four feet should be placed under the area to be sampled to capture any paint chips that are not captured by the collection device or creased piece of paper. Any visible paint chips falling to the plastic should be included in the sample. Dispose of the plastic after each sample is collected by placing the sheeting in a trash bag. Do not throw away the plastic at the dwelling. Wet wipes may be used to clean the area.
- (2) Method Two: "Glovebag" Approach. If further containment is deemed necessary, a "glovebag" approach may be used. A durable sheet of plastic is loosely taped to the surface to be sampled, with a paint scraper, collection device, and shipment container housed inside the plastic. There should be enough "play" in the plastic to permit a scraping motion without dislodging the tape holding the plastic to the surface. Large plastic baggies can be used in lieu of the sheet of plastic if paint chips are to be shipped to the lab in plastic baggies. Properly conducted, this method completely seals the surface during the actual scraping operation. A four by four foot sheet of plastic is still required under the glove bag to capture any debris that falls to the ground during the glove bag removal. The tape should be slowly removed from the surface to avoid lifting any additional paint off of the surface.

- C. Paint Sample Collection.** The paint chip sample need not be more than 2-4 square inches in size (consult with the laboratory for the optional size). Persons collecting paint chips should wear new disposable gloves for each sample.

The most common paint sampling method is to scrape paint directly off the substrate. The goal is to remove all layers of paint equally, but none of the substrate. A heat gun should be used to soften the paint before removal to reduce the chances of including substrate with the sample and to help prevent sample loss. Including substrate in the sample will dilute the lead content if results are reported in ug/g or weight percent. Hold the heat gun no closer than six inches from the surface. Do not scorch the paint. Discontinue heating as soon as softening or blistering is observed.

Use a razor-sharp scraper to remove paint from the substrate. Paint samples collected in this fashion are usually reported in ug/g or % lead only. The sample may be placed in a baggie for shipment to the laboratory.

If the area sampled is measured exactly (+/- 1/16th), and all the paint within that area can be removed and collected, it is possible to also report the results in mg/cm². All of the sample must be placed in a hard-shelled container for shipment to the laboratory. The hard-shelled container is used since the laboratory will analyze the entire sample submitted. The exact dimensions of the areas sampled must be recorded on the filed sampling form. For mg/cm², including a small amount of substrate in the sample is permitted.

D. Cleanup and Repair.

- (1) All settled dust generated must be cleaned up using wet wipes.
- (2) The surface can be resealed with new paint if necessary. If desired, apply spackling and/or new paint to repair the area where paint was removed.
- (3) Personnel conducting paint sampling should avoid hand-to-mouth contact (specifically, smoking, eating, drinking, and applying cosmetics) and should wash their hands with running water immediately after sampling. The lead inspector should ask to use the resident's bathroom for this purpose. Wet wipes may be used if no running water is available or if the bathroom is not available.

- E. Laboratory Submittal.** The samples should be submitted to a laboratory accredited by the EPA National Lead Laboratory Accreditation Program. Appropriate sample submittal forms should be used. The field sample number should appear on the field sampling form, the laboratory submittal form, and the container label. The name of the laboratory, the date the samples were sent to the lab, and all personnel handling the sample from the time of collection to the time of arrival at the laboratory should be recorded on a chain of custody form, if appropriate.

- F. Other Information.** See ASTM E1729-95 and E1645-94 for additional information.

3. Soil Sampling Protocol.

- A. Collection Technique General Description.** Bare soil samples are typically collected with a coring device or a scooping technique. The device may be used in either of two ways. Most coring devices come equipped with a "T" handle which can be attached to the top of the coring tool or probe. This allows the sample collector to push the tool into the ground. The coring tool can be twisted with the "T" handle as it is pushed into the ground in order to allow the cutting edge of the soil probe to cut through

roots and packed earth. In softer soils, a disposable new plastic syringe at least ½ inch diameter can be used for each composite sample.

The other method for using the coring tool is to attach a hammer device to the top of the coring tool. To utilize the coring tool in this manner, the hammer device is first attached to the top of the coring tool and the tip of the probe is placed on the ground where the sample is to be collected. The hammer is then raised and allowed to fall while it is guided by the sample collector's hands. The hammer attachment may be the most appropriate tool when the nature of the soils is hard and compacted. Otherwise the "T" handle is easier to use.

The soil samples are collected by driving or pushing the coring tool into the ground. The tool is then moved gently from side to side to loosen a plug of soil. The tool is then pulled from the ground and the soil sample is pushed so that the upper part of the soil plug lies between one inch marks made on the coring device. The top one half inch of the soil sample is then cut from the core with a stainless steel knife or cutting tool provided for that purpose. This top one half inch section of the soil core is then transferred to a sample container. All sub-samples are collected in this manner. The collection of sub samples from the sampling line is referred to as a "composite" sample.

After collecting a composite sample, the soil probe should be decontaminated or discarded if disposable core liners are used. This process consists of wiping the end of the probe with wet wipes until no more visible dirt is removed from the probe. Similar cores are then collected from the bottom inch of the six-inch core.

B. Materials and Supplies.

- (1) Core sampling devices: Standard soil coring device. Other similar core sampling devices may be used, such as disposable plastic syringes with the end cut off. The plunger is used to remove the soil from the syringe body.
- (2) Disposable wipes.
- (3) Non-sterilized 5" x 8" plastic sealed baggies: Unless baggies are 4 mil industrial strength, samples must be double bagged.
- (4) Non-sterilized non-powdered disposable gloves.
- (5) Floor plan & property sketch.
- (6) Soil sample collection form.
- (7) Laboratory submittal form.
- (8) Pre-printed labels or permanent ink pen.
- (9) Trash bag or other receptacle (do not use pockets or trash containers at the residence).

C. Bare Soil Sampling Procedures.

- (1) Soil sampling is not recommended when the ground is frozen.
- (2) The location of soil samples should be recorded on the exterior site plan sketch.
- (3) Perimeter Sampling Locations: One composite soil sample should be collected so that at least 5 and no more than 10 different aliquots of surface soil are collected from the building perimeter. The aliquots should be collected from all sides of the building where bare soil is present. Each spot should be at least 2 feet distant from each other and 2 feet away from the foundation, unless the bare soil is closer than 2 feet.
- (4) Play Area Sampling Locations: A second composite sample should consist of at least 3 and not more than 10 aliquots collected along an X-shaped grid in the child's principal play area. Each spot should be at least 1 foot distant from each other. The soil where the aliquots are collected must be bare.
- (5) The core sampling device should be used to deliver the top ½ inch of soil from each spot to the baggie. No special effort should be made to collect visible paint chips. If paint chips are present, they should not be avoided and should be included in the sample. When sampling play areas, the lead inspector should make an effort to avoid including grass, twigs, stones, and other gross debris in the sample.
- (6) When all aliquots of the composite sample have been placed in the baggie, the baggie should be zip locked or sealed. If the baggie is not 4 mil industrial weight, the sample should be double bagged. A label with the sample number should be affixed to the baggie. The number should be recorded on the soil platform showing the approximate location of each sample and the soil collection field data form.
- (7) The core sampler should be cleaned with disposable wipes after each composite sample is collected. If a disposable core sampler is used, it can be used for all sub-samples, but not new composite samples unless it is cleaned thoroughly.

D. Laboratory Submittal. Submittal Form Preparation. The sample numbers on the sample container must be the same as those on the field sampling form and must also be used on the laboratory submittal form. Confirm that all samples recorded on are in fact present on the laboratory submittal form. Chain of custody requirements should be followed if applicable.

E. Laboratory Analytical Procedure. Laboratories analyzing soil samples must participate in the Environmental Lead Laboratory Proficiency Testing Program or equivalent and be an EPA-NLLAP Accredited Laboratory.

F. See ASTM E1727-95 for further information.

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Appendix B
LEAD-SAFE CERTIFICATE

This residence at _____
 facility) (address) (or child care
 is certified as
 LEAD-SAFE

(A lead inspection *or* risk assessment) (as defined by the Maine Department of Environmental Protection's Lead Management Regulations) for the presence of lead hazards was completed on _____. I certify that there were no lead hazards (*As applicable:* in this residential unit and in this building's common areas) at the time this (lead inspection *or* risk assessment) was completed. (*Optional:* Also, the property owner has a written program for performing essential maintenance practices that, when properly implemented, will correct any lead hazards that may develop due to normal wear and tear or direct damage of any lead-based paint that remains in the residence. Owners and occupants must comply with a mutually agreed upon plan for implementing essential maintenance practices as needed to maintain the "Lead-Safe" condition of this residence.) A re-evaluation of this property is due to be completed no later than _____; this certificate is no longer valid after this date.

 Signature of Lead Inspector or Risk Assessor

 Maine Certification # Date

Appendix C

HUD Guidelines for the Evaluation of Control of Lead-Based Paint Hazards or Housing

Chapter 5: Risk Assessment

Section II.B

2. Composite Dust Sampling

If composite sampling is used, a minimum of three separate composite dust samples should be collected. A fourth composite sample would be needed if wall-to-wall carpets are present. The composite samples should be collected from floor, interior window sills, and window troughs.

Risk assessors should follow the composite sampling protocol found in Appendix A of this rule. The following rules should be observed when conducting composite dust wipe sampling.

- Separate composite samples are required from carpeted and hard surfaces (e.g., single composite sample should not be collected from both carpeted and bare floors).
- Separate composite samples are required from each different component sampled (e.g., a single composite sample should not be collected from both floors and interior window sills).
- Separate composite samples are required for each dwelling.
- Floor surface areas sampled in each room should be approximately the same size (1 ft² or 929 cm²). Window trough and interior window sill sampling sizes are dependent on window characteristics, but should be as similar as possible from room to room (e.g., the surface sampling area should not be skewed so that one room is oversampled).
- A new wipe should always be used for each spot sampled.
- No more than four different wipes should be inserted into a single container for a composite sample. Acceptable recovery rates (80-130 percent of the "true" value) have been found when no more than four wipes are analyzed as a single sample (Jacobs, 1993c).

While a risk assessor should exercise professional judgement about the number and location of samples, three or four composite dust samples are sufficient for most evaluations in smaller dwellings.

In an unoccupied dwelling or a dwelling facing turnover, the areas that are most likely to have lead-contaminated dust should be sampled. In general, floor samples should be collected in the four rooms with the greatest evidence of chipping and peeling paint. In a dwelling where children reside, however, areas where young children are most likely to be exposed to lead hazards should be sampled. The recommended subsampling locations for houses with children are the following:

- Principal playroom for children (usually the TV room, living room, or dining room).
- Kitchen.

- Bedroom of the youngest child, who is over 6 months of age (children under 6 months are unlikely to be exposed to dust).
- Bedroom of the next oldest child.

The preceding locations for subsamples can be used for both single-family and multifamily dwelling risk assessments. However, substitute locations will be necessary in dwellings where the room designations cannot be determined. For example, in vacant units, the living room should be substituted for the playroom and the smallest bedroom for the youngest child's room.